



**Northern Ireland  
Fire & Rescue Service**

# **FIRE SAFETY ENFORCEMENT POLICY**

**The enforcement of fire safety duties as  
required by the Fire & Rescue Services  
(Northern Ireland) Order 2006**

*Safer  
Together*

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# Linked Policy, Procedure & Guidance

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## NIFRS Policy/Procedure

This Fire Safety Enforcement Policy should be read in conjunction with, but not limited to, the following NIFRS documents:

- > Fire Safety Enforcement Management Model Procedures;
- > Protection Training Strategy; and
- > Competency Framework for Fire Safety Inspectors & Managers.

The above documents can be accessed via the Prevention & Protection Global Folder.

## Best Practice

This Fire Safety Enforcement Policy is based on the following Best Practice Guidance documents:

- > Enforcement Concordat published by the Better Regulation Unit of the Cabinet Office;
- > Regulators Code published by the Department for Business Innovation & Skills; and
- > Enforcement Management Model (EMM) issued by The Health and Safety Executive.

The above documents can be accessed by an online search.

## Guidance

NIFRS will adopt and adhere to policy and guidance issued by the Department of Health, Northern Ireland Civil Service, the National Fire Chiefs Council (NFCC) and National and European accepted standards. National and local targets for the quality of delivery of service will be incorporated into procedures.

# 1. Introduction

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## 1.1 Purpose

The purpose of this Policy is to ensure a consistent approach is applied to Fire Safety Enforcement across Northern Ireland Fire & Rescue Service (NIFRS). This Policy provides guidance for fire safety inspectors, businesses and members of the public to detail the aims and principles that will be applied.

## 1.2 Aim & Objectives

The aim of this Policy is to make Northern Ireland safer by reducing, as far as possible, the risks and social and economic cost of fires and other dangers by ensuring compliance with regulatory requirements.

NIFRS will adopt a proactive approach towards ensuring compliance by:

- > helping and encouraging those it regulates to fully understand and fulfil their legal responsibilities; and
- > responding proportionately to non-compliance to avoid imposing unnecessary costs while taking firm action against those who fail to comply with the law.

The objectives of this Policy are to:

- > create a safe and healthy environment in which to live;
- > protect the public;
- > improve the safety of fire fighters at premises fires;
- > encourage economic growth through fair and effective regulation;
- > provide guidance for authorised inspectors; and
- > fulfil NIFRS' statutory duties.

## 1.3 Scope

The Scope of this Policy is limited to the enforcement of:

- > The Fire and Rescue Services (Northern Ireland) Order 2006; and
- > The Fire Safety Regulation (Northern Ireland) 2010.

This Policy applies to all enforcement activities, whether formal or informal, with businesses or members of the public and may be supported by specific enforcement guidelines and procedures to help inspectors make enforcement decisions.

## 1.4 Other Legislation

When applying this Policy, inspectors recognise their duty to act in accordance with statutory responsibilities including:

- > Data Protection Act 1998;
- > General Data Protection Regulation 2018;
- > Freedom of Information Act 2000;
- > Code for Prosecutors (Public Prosecution Services Northern Ireland);
- > The Police and Criminal Evidence (Northern Ireland) Order 1989;
- > The Environment and Safety Information (Northern Ireland) Order 1993
- > Criminal Procedure and Investigations Act 1996;
- > Human Rights Act 1998;
- > Regulation of Investigatory Powers Act 2000; and
- > Associated Codes of Practice.

## 2. Policy Statement

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This Policy details the procedures NIFRS will follow when enforcing The Fire and Rescue Services (Northern Ireland) Order 2006 and The Fire Safety Regulations (Northern Ireland) 2010.

Enforcement activities will be carried out by fire safety inspectors on behalf of the NIFRS Board. Each inspector will be authorised by the Chief Fire & Rescue Officer.

This Policy provides guidance for fire safety inspectors and duty holders to detail how it will be applied.

### 2.1 Selecting Premises for Audit

NIFRS will focus on premises that constitute the most serious risk to life and to do this, NIFRS will operate a risk based inspection programme to identify high risk premises.

NIFRS will maintain a management system that will identify and assess the risks within premises/workplaces and the community and allocate resources to carry out inspections accordingly.

### 2.2 Providing Fire Safety Advice

Educating, informing and advising dutyholder about their duties under fire safety legislation will form a fundamental element of our enforcement regime.

NIFRS will fulfil its obligation under Article 4 of The Fire and Rescue Services (Northern Ireland) Order 2006 (The Order) to provide information, publicity and encouragement in respect of the steps to be taken to prevent fires and death or injury by fire; and the giving of advice, on request, about how to prevent fires and restrict their spread in buildings and other property; and the means of escape from buildings and other property in the event of fire.



## 2.3 The Dutyholder

NIFRS will identify the person or persons with duties under Articles 25 and 26 of the Fire and Rescue Services (Northern Ireland) Order 2006 who will be referred to as the dutyholder. This may be the owner, occupier, employer, manager or another person with responsibilities. NIFRS will seek compliance and may take action against those regarded as primarily in breach of The Order.

## 2.4 Securing Compliance

Where offences are observed, the actions and sanctions taken by NIFRS will aim to:

- > secure compliance;
- > change the behaviour of the offender;
- > be responsive and consider what is appropriate for the particular offender and issue;
- > be proportionate;
- > restore any harm caused; and
- > deter further non-compliance.

The actions that NIFRS chooses to take will depend upon the particular circumstances and the approach of the business or person to dealing with the breach. In determining the most appropriate action to take, officers will consider the circumstances of the breach. All enforcement activities will be taken in accordance with the principles of this Policy.

In deciding what action to take, NIFRS will consider:

- > the nature and seriousness of any alleged offence(s);
- > the risk of death or serious injury;
- > previous experience and record of compliance of the dutyholder;
- > 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; and
- > any statutory defence available.

Those premises/workplaces which are regulated by NIFRS can request advice on non-compliance without directly triggering enforcement action.

## **2.5 Inter-Agency Liaison**

NIFRS will, where appropriate, work with other public bodies, individuals and organisations to deliver effective enforcement in line with this Policy. Where other Health and Safety enforcing authorities may have a regulatory interest in 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, NIFRS will forward details to the Health and Safety Executive.

Where another law enforcement body also has the power to investigate and/or prosecute, inspectors will liaise with that other body to make sure that any action taken is co-ordinated so as to ensure that the most effective result is obtained.

## 3. Principles

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### 3.1 Proportionality

NIFRS will apply enforcement procedures in a proportionate manner in consideration of the public interest. A breach of statutory responsibilities will not necessarily result in a decision to take enforcement action or prosecute.

NIFRS will be proportionate and will endeavour to minimise the cost of compliance for businesses by ensuring that any action taken, or advice offered, is proportionate to the risk. NIFRS will take particular care to work with small businesses and organisations so that, where practicable, they can meet their legal obligations without unnecessary expense.

In order to minimise the costs of compliance, NIFRS will take into account the circumstances of each case including:

- > risk to the public or the environment;
- > seriousness and consequences of the breach;
- > attitude and actions of the offenders; and
- > history of any previous incidents or breaches of the law.

### 3.2 Consistency

NIFRS will apply a consistent approach to enforcement and advisory functions.

Consistency of approach does not mean uniformity; it means taking a similar approach in similar circumstances to achieve similar goals. NIFRS will therefore carry out its duties in a fair, equitable and consistent manner. Fire Safety Inspectors are to exercise their professional judgment to deal effectively with specific matters and will adhere to published guidance to promote consistency. NIFRS will liaise with other authorities and enforcement bodies, regionally and nationally, to achieve co-ordination and locate best practice. NIFRS will determine the appropriate action to take, having considered the circumstances of the case and any legal requirements.

The implementation and effectiveness of this Policy will be monitored by NIFRS Headquarters Protection Department.

### **3.3 Standards**

NIFRS will carry out its enforcement and advisory functions efficiently and staff will identify themselves by name. NIFRS will apply published fire safety standards and provide advice on request.

NIFRS will adopt and adhere to policy and guidance issued by the Department of Health, Northern Ireland Civil Service, the National Fire Chiefs Council (NFCC) and National and European accepted standards. National and local targets for the quality of delivery of service will be incorporated into procedures.

### **3.4 Openness and Transparency**

NIFRS will be open and transparent and will provide information and advice in plain language on the standards that apply.

NIFRS will be clear about its working practices, including any charges that it sets when consulting businesses, voluntary organisations, charities, consumers and workforce representatives.

NIFRS will help those responsible (the dutyholder) for complying with the legislation to understand what is expected of them and what they should expect from NIFRS. NIFRS will distinguish between statutory requirements and advice or guidance in respect of what is desirable, but not compulsory, to achieve compliance with the legislation.

### **3.5 Helpfulness**

NIFRS will be helpful and courteous in the delivery of its services.

NIFRS supports the principle that prevention is better than cure and therefore will actively work with businesses, especially small and medium sized businesses, to advise and assist with compliance. NIFRS will provide contact points and telephone numbers for further enquiries and will encourage businesses to seek advice. NIFRS will also strive to co-ordinate its services effectively to minimise unnecessary overlaps and time delays.

NIFRS may raise awareness of statutory requirements and promote compliance through a range of methods including the provision of compliance guidance, direct contact with staff, education programmes, publicity campaigns and online guidance.

### **3.6 Accountability**

NIFRS is accountable to the public for its actions and has policies and standards against which it can be measured, with an effective and easily accessible mechanism for dealing with comments and complaints.

### **3.7 Professional Staff**

NIFRS will make adequate arrangements to provide effective enforcement services by ensuring that:

- > sufficient numbers of officers are employed who are adequately qualified, trained, experienced and competent to carry out their duties;
- > all enforcement actions are taken by officers who have been specifically authorised in accordance with the relevant legislation; and
- > all investigations are carried out in accordance with The Police and Criminal Evidence (Northern Ireland) Order 1989 and relevant Codes of Practice.

Specific enforcement guidelines, procedures and documentation may be developed to support officers making enforcement decisions and to ensure compliance with all relevant statutory codes of practice and official guidelines.

### **3.8 Enforcement Management Model**

All staff who make enforcement decisions are required to follow the principles in the 'Enforcement Management Model' (EMM) issued by The Health and Safety Executive. NIFRS provides guidance on the use of the EMM in the Fire Safety Enforcement Management Model Procedures.

## 4. Audit Outcomes

The possible audit outcomes are detailed in the table below:

Audit Outcome	Action	Summary
<b>Level 1 Broadly Compliant</b>	Informal	<ul style="list-style-type: none"> <li>&gt; Premises risk rating is low or very low.</li> <li>&gt; Possibly some minor deficiencies.</li> <li>&gt; Outcome should include verbal advice/agreement and information.</li> <li>&gt; No follow-up required.</li> </ul>
<b>Level 2 Notification of Deficiencies</b>	Informal	<ul style="list-style-type: none"> <li>&gt; Generally premises risk rating low.</li> <li>&gt; Several less serious deficiencies but without a previous history.</li> <li>&gt; Inspector has confidence in the overall management of the premises that matters will be adequately addressed.</li> <li>&gt; No follow-up required but inspectors reserve the option to do so.</li> </ul>
<b>Level 3 Action Plan</b>	Informal	<ul style="list-style-type: none"> <li>&gt; Premises risk rating is medium with numerous less serious deficiencies and possibly a history of other minor issues.</li> <li>&gt; Poor management, and the inspector has no confidence that matters will be addressed adequately.</li> <li>&gt; Identifies the nature of the corrective action needed.</li> <li>&gt; If unresolved after an agreed timeframe, an Enforcement Notice may follow.</li> <li>&gt; Follow up audit required.</li> </ul>
<b>Level 4 Enforcement Notice</b>	Formal	<ul style="list-style-type: none"> <li>&gt; Premises risk rating is high or very high where there is a clear breach of the law and serious deficiencies recorded.</li> <li>&gt; Poor management, bad housekeeping, and lack of fire risk assessment and training records.</li> <li>&gt; May also be a history of enforcement or informal action.</li> <li>&gt; Enforcement Notice will specify the problem and a clear remedy.</li> <li>&gt; Follow up audit required.</li> </ul>
<b>Level 5 Enforcement Notice 'Fast Track'</b>	Formal	<ul style="list-style-type: none"> <li>&gt; Generally premises risk rating very high.</li> <li>&gt; Very serious deficiencies that may require structural alterations.</li> <li>&gt; Requirement for comprehensive major systems.</li> <li>&gt; Very serious issues such as no automatic fire detection system where required.</li> </ul>

NIFRS will seek compliance with the law by educating and informing, thus offering the dutyholder information and advice, both verbally and/or in writing. This will include an explanation as to why any specified work is necessary and a time period for completion. Legal requirements will be clearly distinguished from best practice or non-statutory fire safety advice.

Before formal enforcement action is taken, (unless immediate action is required to reduce the risk to life or to prevent evidence from being destroyed), inspectors will provide the person responsible with an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference.

#### **4.1 Prohibition Notice**

Where immediate action is required due to deficiencies, so serious as to pose a serious risk to persons in case of fire, it may be necessary to prohibit or restrict the use of premises. An explanation of why such action is required is necessary at the time the breach is detected. This is confirmed in writing in most cases within 5 working days and in all cases within 10 working days.

Where dangerous conditions are found, NIFRS will issue a Prohibition Notice that will prohibit or restrict the use of the premises. Failure to comply with a Prohibition Notice constitutes an offence and may result in the prosecution of the person responsible.

Inspectors will always complete a follow up audit and monitor compliance with the Prohibition Notice.

#### **4.2 Alterations Notice**

An Alterations Notice requires the dutyholder to notify NIFRS of any proposed changes to the layout, use or management of premises before any changes take place. An Alterations Notice may be served if NIFRS is of the opinion that any future change of circumstances to the premises, or to the use of the premises, could result in a significant increase in risk to people using the premises.

#### **4.3 Withdrawal of a Notice**

Alterations, Enforcement and Prohibition Notices may be withdrawn at any time but should be deemed to be in force until such time as they are withdrawn or cancelled.

In most cases there is a right of appeal against a Notice and, where there is a right of appeal, advice on the appeal mechanism will be set out in writing at the time of serving the Notice.

#### **4.4 Decision Making**

Decisions about enforcement action are initiated by the inspectors who audit the premises in accordance with their level of authority. Consultation with senior management will take place prior to proceeding.

#### **4.5 Public Register**

In accordance with The Environment and Safety Information (Northern Ireland) Order 1993, NIFRS will be obliged to enter details of certain notices called 'relevant notices' onto a register to which the public have access.

The relevant notices are Enforcement Notices, Alterations Notices and Prohibition Notices and these will be available to view in the Public Register on NIFRS website at [www.nifrs.org](http://www.nifrs.org).

#### **4.6 Appeals**

In most cases, there is a right of appeal against a Notice and, where there is a right of appeal, advice on the appeal mechanism will be set out in writing.

Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing and issued with the appropriate documentation.



## 5. Simple Caution and Prosecution

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Simple caution and prosecution are the two possible outcomes to bring those responsible for alleged breaches of the law to account. Where appropriate, NIFRS may use one of these measures in addition to issuing an Enforcement or Prohibition Notice.

### 5.1 Simple Caution

A simple caution is likely to be appropriate only where there has been a significant contravention of the law, giving rise to a potential risk of death or serious injury. There are three preconditions that must be satisfied before a simple caution is administered:

- > there is sufficient evidence to provide a realistic prospect of conviction;
- > the offender admits his or her guilt; and
- > the offender agrees to being cautioned, having been made aware that the caution may be cited in court in the case of future offences.

The offender must be given a full explanation of the significance of the caution before being allowed to accept it, as a simple caution is an admission of guilt to a criminal offence and is recorded as such. It may be cited if the offender is found guilty of the same or a similar offence within two years of the original offence. If a simple caution were to be offered and refused by the offender, then a prosecution would be considered.

### 5.2 Prosecution

The decision to prosecute is a serious step. Fair and effective prosecution forms a legitimate element of NIFRS' 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; the person prosecuted, casualties, witnesses and NIFRS personnel. NIFRS will apply the guidance set out below so that it can make fair and consistent decisions about prosecutions. The decision to prosecute is taken by Assistant Chief Fire & Rescue Officer (Service Delivery) in conjunction with Legal Services.

Each case is unique and must be considered on its own facts, but there are general principles that apply in all cases. Officers will be fair, independent and objective when considering enforcement action. NIFRS will ensure that the correct individual and/or company is prosecuted for the correct offence/s.

NIFRS will apply the principles of the European Convention on Human Rights in accordance with the Human Rights Act 1998, as it does in all of its enforcement activity.

A prosecution may be taken following full consideration of the many factors arising from the alleged breaches of the law. These will include:

- > the seriousness of the offence (the severity and scale of potential and actual risk and the seriousness of any breach of law);
- > the previous history including the safety performance of the offender (the dutyholder) concerned;
- > the willingness of the party to correct the situation and prevent a recurrence of the problem;
- > an acceptable explanation for the occurrence (the breach in law);
- > the likelihood of the accused being able to establish a satisfactory defence; and
- > the probable public benefit of a successful prosecution.

All decisions to prosecute will take account of the Public Prosecution Service Code for Prosecutors. There are two tests NIFRS uses in taking the decision to prosecute.

The first test is the evidential test. NIFRS has to be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against the defendant on each charge. In doing so, NIFRS will consider whether the evidence can be used and is reliable. A realistic prospect of conviction is an objective test which means that a court, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged.

If the case does not pass the evidential test, it cannot go ahead. If the case does meet the evidential test, NIFRS will then decide whether a prosecution is in the public interest.

The second test is the public interest test. The public interest will be considered in each case where there is sufficient evidence to provide a realistic prospect of conviction. NIFRS will balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute will usually depend on the seriousness of the offence or the circumstances of the offender.

NIFRS will satisfy itself that the case meets both tests before proceeding with a prosecution.

The majority of prosecutions undertaken by NIFRS are issued in the Magistrates' Court. However, some statutory provisions allow NIFRS to issue proceedings in the Crown Court. Consideration will be given to issuing Crown Court proceedings where the gravity of the offence would warrant such a course of action.

# 6. Data Protection & Freedom of Information

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## 6.1 Data Protection

NIFRS will comply with the requirements of the Data Protection Act 1998 and General Data Protection Regulation 2018 governing the use of personal data received or obtained and will respect the rights and freedoms of those individuals when processing their details. NIFRS Data Protection Policy and Procedures lays out our strategic approach to meeting the legal requirements. Details are available on request and on the NIFRS website [www.nifrs.org](http://www.nifrs.org).

## 6.2 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 (2) 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. Details of NIFRS’ publication scheme are available on our website under Freedom of Information.

## 7. Circulation & Complaints

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### 7.1 Circulation

This Policy will be made freely available to all members of the public on request and will be made available via the NIFRS website [www.nifrs.org](http://www.nifrs.org).

NIFRS welcomes comments on this Policy and on how it can improve the services it provides.

Comments can be made via the same contact routes as outlined for complaints.

### 7.2 Complaints

Details on NIFRS' complaints procedure is available via the NIFRS website or on request using the contact details outlined below:

**NIFRS website:** [www.nifrs.org](http://www.nifrs.org)

**Email:** [enquiries@nifrs.org](mailto:enquiries@nifrs.org)

**Letter to:** Assistant Chief Fire & Rescue Officer (Service Delivery)  
Northern Ireland Fire & Rescue Service  
1 Seymour Street  
Lisburn  
BT27 4SX

**Telephone:** 028 9266 4221

If a person is unhappy with the level of service they have received and they wish to make a complaint, this may be made through any one of the contact points described above.

In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely timescales involved. NIFRS aims to resolve issues quickly and effectively and to learn from the outcomes.

## 8. Roles & Responsibilities

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### 8.1 Chief Fire & Rescue Officer

The Chief Fire & Rescue Officer is responsible for authorising fire safety inspectors and managers under Article 33(3) of the Order to enforce the fire safety duties on behalf of the Board.

### 8.2 Headquarters Group Commander (Protection)

The Headquarters Group Commander (Protection) is responsible for:

- > acting as the service lead for advice on the management of fire safety enforcement; and
- > reviewing this policy and associated guidance when necessary.

### 8.3 Fire Safety Inspector and Managers

Fire Safety Inspectors are responsible for:

- > carrying out fire safety inspections on relevant premises and applying this Policy to assist with decision making;
- > educating and promoting business fire safety and engaging with dutyholders at inspections.

### 8.4 Operational Staff

Operational staff are responsible for:

- > ensuring they have an awareness of this Policy and fire safety breaches; and
- > ensuring they inform relevant Protection Officers of any fire safety breaches when at calls or in their line of day to day activities.

## 9. Training & Awareness

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Enforcement activities will be carried out by competent fire safety inspectors.

In line with the Competency Framework for Fire Safety Inspectors & Managers, the training and knowledge required for competency is a Level 4 Diploma in Fire Safety (Inspector) or equivalent.

## 10. Monitoring & Reporting

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Policy compliance will be monitored and reported through the Prevention & Protection Delivery Group, with issues elevated when appropriate to the relevant director.



# 11. Equality

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This Policy will be reviewed periodically in accordance with best practice and also with regard to NIFRS statutory obligations to make our corporate publications and information accessible in alternative formats, where reasonable.

NIFRS will take steps to ensure that it acts in an impartial and fair manner in accordance with NIFRS equality strategy and policies.

NIFRS has an approved Equality Scheme and is committed to fulfilling its responsibilities under Section 75 of the Northern Ireland Act 1998. Therefore, any decision regarding enforcement will be made with impartiality and shall not be influenced by the religious beliefs, political opinion, racial group, age, gender, marital status or sexual orientation of any alleged offender, complainant or witness.

## 12. Review & Revision

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This Policy will be reviewed on a three-yearly cycle, or sooner if required, to reflect organisational change or to meet legislative requirements. Reviews will be conducted by the Headquarters Protection Department and revised when necessary.

## 13. Approval

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In line with the NIFRS Governance Document Development Policy & Procedure, this Policy document and any subsequent significant changes must be presented to the NIFRS Board or Standing Committee thereof for approval.

Any subsequent minor changes may be approved on behalf of the NIFRS Board by the lead Executive Leadership Team (ELT) Member.

## 14. Further Information & Guidance

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Further information and guidance about this Fire Safety Enforcement Policy can be obtained from:

### Protection Department

#### NIFRS Headquarters

1 Seymour Street | Lisburn | BT27 4SX

T 028 9266 4221

E [protection@nifrs.org](mailto:protection@nifrs.org)

## Connect with us



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