



Gwasanaeth Tân ac Achub
Canolbarth a Gorllewin Cymru

Mid and West Wales
Fire and Rescue Service

HOW WE MEET THE REGULATORS' CODE 2014

Business Fire Safety Department

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Introduction

The UK and Welsh Governments are committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulate.

In April 2010 the Welsh Government published the first set of national enforcement priorities for Wales, prepared by the Local Better Regulation Office (now renamed the Better Regulation Delivery Office (BRDO)) in conjunction with local authorities, national regulators and professional and representative bodies. [National Enforcement Priorities for Wales](#) (NEP) provide an important opportunity for local authorities and their regulatory services to demonstrate the critical role they play in delivering protection and prosperity for citizens and business at a local and national level.

On 6th April 2014 the [Regulators' Code](#) (the Code) came into statutory effect under the Legislative and Regulatory Reform Act 2006, replacing the Regulators' Compliance Code. It provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate.

Nearly all non-economic regulators, including local authorities and fire and rescue authorities, need to have regard to the NEP and the Code when developing standards, policies or procedures that either guide their regulatory activities with business or apply to other regulators.

Mid and West Wales Fire and Rescue Service

Mid and West Wales Fire and Rescue Service (MAWWFRS) is committed to better, smarter regulation which protects citizens from harm and promotes business growth. Since 2013 we have represented the three Welsh Fire and Rescue Services on the [Welsh Regulators Forum](#) and are fully supportive of the national enforcement priorities for Wales, in particular priorities 1 and 4 which are detailed below. We already have policies, procedures and mechanisms in place to ensure we carry out our regulatory responsibilities, including firm but fair enforcement, in accordance with the five principles of good regulation i.e. proportionality, accountability, consistency, transparency, and targeting which are enshrined in our current Enforcement Policy.

'How we meet the requirements of the Regulators' Code 2014' has been written to embrace the national enforcement priorities for Wales and to comply with section 6.3 of the Regulators' Code 2014. It explains how Mid and West Wales Fire and Rescue Service's Business Fire Safety (BFS) Department will fulfill its statutory obligations to those we regulate in order that they will have a clear understanding of the services that can be expected and will feel able to challenge if these services are not being fulfilled.

This document reports on progress made in complying with the Regulators' Code since publication of our previous report (version-1) in June 2014.

Aim of Business Fire Safety Department

The aim of the Mid and West Wales Fire and Rescue Service's Business Fire Safety (BFS) Department is to make Mid and West Wales a safer place to live, work visit by reducing as far as possible the risks and social and economic costs of fires and other dangers, without imposing unnecessary burdens on businesses. Securing compliance with legal regulatory requirements is an important part of achieving this aim.

Objectives

Our Business Fire Safety Department will:

1. Provide a high quality, cost-effective and transparent regulatory service to all those living, working and visiting Mid and West Wales for the protection of life, property and the environment.
2. Work with businesses, communities, partner organisations and other stakeholders to promote compliant business growth.
3. Undertake regulatory duties based upon the prioritisation of known risks.
4. Continually improve our regulatory services by adapting to the demands placed upon us by society's changing expectations.
5. Undertake regulatory services with consistency, dignity and respect for those we serve.

National Enforcement Priorities for Wales

The four national enforcement priorities (detailed below) reflect the fundamental principles of 'One Wales'– accountable, citizen-centred public services. They seek to address the regulatory risks and threats faced by citizens in Wales and they do so by setting out the outcomes that local authorities strive to deliver, working with other councils, partner agencies, citizens and business. However the distinctiveness of Wales' communities means that local circumstances and priorities will require different approaches in different places. Innovative local solutions, based on local difference, will deliver these nationally important outcomes tailored to local needs.

The national enforcement priorities selected for Wales are as follows:

- Protecting individuals from harm and promoting health improvement
- Ensuring the safety and quality of the food chain to minimise risk to human and animal health
- Promoting a fair and just trading environment for citizens and business
- Improving the local environment to positively influence quality of life and promote sustainability.
- These outcome-focused national enforcement priorities reflect the contribution of regulatory services to the national priorities of [One Wales](#) and the Strategic Framework; aim to address regulatory risks that exist across the nation; and promote collaborative working to control risk and deliver co-ordinated services across local authority boundaries.

The priorities set out outcomes that all local authority regulatory services should have regarded in service planning and resource setting. They do not set out the activities or tools that regulatory services should use to contribute to these outcomes. National enforcement priorities are designed to provide a focus for local regulatory activity and collaborative working with partner organisations that meets national needs using local solutions.

Regulators Code 2014

[The Regulators' Code 2014](#) is intended to encourage regulators to achieve their objectives in a way that minimises the burdens on business. The purpose of the Code is to embed a risk-based, proportionate, targeted and flexible approach to regulatory inspection and enforcement among the regulators to which it applies. This approach will ensure that regulators are efficient and effective in their work, without imposing unnecessary burdens on those they regulate. The Code is based on the seven principles of inspection and enforcement identified in the [Philip Hampton report "Reducing administrative burdens: effective inspection and enforcement" \(2005\)](#).

Regulators whose functions are specified by order under section 24(2) of the Act **must** have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators. If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.

Further information and links to relevant online content are provided via the [Better Regulation Delivery Office \(BRDO\) website](#), which is also creating resources to support the Code and working with organisations to support its effective implementation.

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow.

1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

1.1.1 Response

During the first quarter of 2014 and in the run up to 6th April we undertook a number of training sessions for our Business Fire Safety personnel during which we covered:

- [The Primary Authority Scheme \(PAS\)](#)
- [The Regulators' Code 2014](#)
- Regulators' Development Needs Analysis tool (RDNA)
- Guidance for Regulators' Information Point (GRIP).

We also undertook business awareness training session utilising information provided by:

- [South Wales Chamber of Commerce](#)
- [Better Regulation Delivery Office](#)
- [Commerce Cymru](#)

The overall aim of these sessions was to raise awareness of the social, environmental, economic and statutory challenges affecting those we regulate and to highlight how we may need to give more consideration to our decision making prior to imposing financial costs on businesses.

Throughout 2014 we gained additional awareness, knowledge, information and advice of business and regulatory issues via our attendance at a variety of national events including the Welsh Regulators Forum which has been duly promulgated to all of our enforcement personnel. One of the more notable events was the joint Trading Standards & BRDO Primary Authority seminar held in Harrogate on 1st July 2014 where we learned of some of the approaches taken towards the implementation of the PAS including problems encountered and how they were being addressed.

Our BFS personnel who are registered to access the PAS national register now receive regular e-bulletin updates which are periodically issued by BRDO.

1.1.2 Actions

We will continue to:

1. Ensure new entrants to the BFS department receive the business awareness training session;
2. Seek to identify and deliver other means of training BFS personnel in business awareness.

1.2 When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities, for example, by considering how they can best:

- **Understand and minimise negative economic impacts of their regulatory activities;**
- **Minimising the costs of compliance for those they regulate;**
- **Improve confidence in compliance for those they regulate, by providing greater certainty; and**
- **Encourage and promote compliance.**

1.2.1 Response

This matter was discussed with representatives of the BRDO at a meeting of the all Wales Business Fire Safety Group (BFSG) meeting in Llandrindod Wells on 22nd May 2014 after which it was decided:

1. The 3 Welsh Fire Services would undertake an exercise to consolidate and/or standardise (as far as reasonably possible) all BFS policies, procedures and documents.
2. All new/revised policies will be disseminated for consultation to an agreed 'business community' and other regulators prior to implementation.
3. In relation to the above, identification of a 'business community' would be raised via the Welsh Regulators Forum.

1.2.2 Updates

In response to point-1 above, the Wales Business Safety Group (BSG) was established to assist with the implementation of the Regulatory Reform (Fire Safety) Order 2005 and to assist the business sector and Fire and Rescue Services with matters relating to business fire safety. This group agreed terms of reference to support and progress 10 work-streams with a particular emphasis on collaboration across Wales which will:

- Support businesses across Wales whilst improving the safety of the communities and fire-fighters of Wales.
- Be supportive of national work-streams.

The 10 work-streams are:

1. Training and Development
2. Policy and Procedures
3. Legal and Compliance
4. Care
5. Social Housing
6. Performance Management
7. Business Liaison
8. Technical Standards
9. Outdoor Events
10. Fire Investigation

In response to points 2 & 3, the question of 'who is the business community?' was raised at the Welsh Regulators' Forum on 5th June and whether different regulators should be focusing on different groups. Kate Fletcher (BRDO) explained that "the Code applies across a range of regulators so needed to be adaptable to different circumstances. It is for regulators to take it as a framework and ask how it might best work for them".

1.2.3 Actions

Given this response the Wales Business Safety Group requested the Business Liaison working-group to contact the following organisations to ascertain their willingness to cooperate in policy consultation as required by the Code:

- Wales CBI;
- South Wales Chamber of Commerce;
- Commerce Cymru.

1.3 Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.

1.3.1 Response

We provide our BFS personnel with comprehensive training & development in accordance with the '[Competency Framework for Business Fire Safety Regulators](#)' published by the Chief Fire Officers' Association (CFOA). Our training courses are internally and externally assessed and verified with qualifications accredited to national standards by '[SKILLS for JUSTICE](#)' i.e.

- Level-3 Certificate in Fire Safety
- Level-4 Certificate in Fire Safety
- Level-4 Diploma in Fire Safety

(These qualifications are delivered by our current fire safety training provider- [XACT Training](#))

Training is supported by mandatory requirements to attend certain internal meetings and training days combined with regular updates on subject matter via internal e-mails and web-based correspondence.

As mentioned previously, throughout 2014 we gained additional awareness, knowledge, information and advice of business and regulatory issues via our attendance at a variety of national events including the Welsh Regulators Forum which has been duly promulgated to all of our enforcement personnel.

1.4 Regulators should ensure that their officers understand the statutory principles of good regulation and of this Code, and how the regulator delivers its activities in accordance with them.

1.4.1 Response

During the first quarter of 2014 and in the run up to 6th April we undertook a number of training sessions for our Business Fire Safety personnel during which we covered the general requirements of the Code and provided delegates with a copy of the Code for self-study. They were also provided with information about our own and the BRDO websites.

Throughout 2014 there have been a number of issues which have required us to be mindful of the implications of the Code some of which have caused us to review and address existing policies and procedures e.g. an amendment to our complaints policy which was duly communicated to BFS personnel and promoted via our [external website](#).

Between 28th and 30th November 2014 our Legal Counsel (David Stotesbury) undertook contracted training for all of our BFS personnel which included a session on the Code. Attendees were provided with an overview of the salient matters plus opportunity to ask questions.

During November and December 2014 we undertook performance monitoring visits to each of our 7 Command BFS departments. The purpose of performance monitoring was to:

1. Evaluate the performance of individuals and teams;
2. Ensure personnel are complying with regulatory requirements;
3. Identify and address areas of weakness;
4. Identify and share areas of good practice;
5. Identify means for achieving continuous improvement.

We used the visits to test the knowledge and understanding of some BFS personnel about the practicalities of the Primary Authority Scheme from the businesses perspective and the results were incorporated into an internal report.

2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.

2.1 Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.

2.1.1 Response

As per point 1.2.1 above; this matter was discussed with representatives of the BRDO at a meeting of the all Wales Business Fire Safety Group (BFSG) meeting in Llandrindod Wells on 22nd May 2014 and also the question of 'who is the business community?' was referred to the Welsh Regulators' Forum on 5th June 2014. Kate Fletcher (BRDO) explained that "the Code applies across a range of regulators so needed to be adaptable to different circumstances. It is for regulators to take it as a framework and ask how it might best work for them".

2.1.2 Actions

Given this response the Wales Business Safety Group requested the Business Liaison working-group to contact the following organisations to ascertain their willingness to cooperate in policy consultation as required by the Code:

- Wales CBI;
- South Wales Chamber of Commerce;
- Commerce Cymru.

However, in response to the over-arching requirement of providing 'simple and straightforward ways to engage with those we regulate and hear their views,' the following are current means and methods:

- The Service facilitates a 'Contact Us' section via the [external website](#);
- We send out a customer satisfaction survey e-mail following inspections and audits of business premises, the results of which are posted to the 'Fire Protection Information' section of our [external website](#);
- In August 2014 we launched a new [Business Fire Safety page](#) via Facebook. The page allows us to communicate a variety of topical messages, images, media clips, links to other websites and importantly a mechanism to receive questions and feedback from interested parties.

2.2 In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent. This paragraph does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.

2.2.1 Response

Our BFS personnel are fully committed to helping businesses understand the risks of fire and how to comply with relevant legislation which includes fully explaining what the non-compliant item or activity is, with appropriate advice on how to address matters. However, in the event that a business is not satisfied with our service the [Regulatory Reform \(Fire Safety\) Order 2005](#) contains legal processes for dealing with issues of non-compliance with an appeals process to the Courts and/or Secretary of State. The appeal process is summarised in 2.3.1 below.

2.3 Regulators should provide an impartial and clearly explained route to appeal against a regulatory decision or a failure to act in accordance with this Code. Individual officers of the regulator who took the decision or action against which the appeal is being made should not be involved in considering the appeal. This route to appeal should be publicised to those who are regulated.

2.3.1 Response

The Regulatory Reform (Fire Safety) Order 2005 contains legal processes for dealing with issues of non-compliance with an appeals process to the Courts and/or Secretary of State.

[Article 35](#) of the Order provides for appeals to be brought against the notices issued in accordance with the Order. It is here that the effect of the bringing of the appeal has on the various notices. Appeals may be brought within 21 days of the notice being issued, although to some extent, whether an appeal is accepted or not is at the discretion of the court. Allowances for postage may be taken into account. For alterations notices and enforcement notices the bringing of the appeal suspends the notice. Where the notice is not withdrawn, the appeal must be heard and dispensed of by the (magistrates) court. Appeals against enforcement notices issued may not be withdrawn by the enforcing authority if the end of the period specified in the notice has expired i.e. if the minimum period is given for corrective work to be undertaken, the notice may not be withdrawn after 28 days. Conversely appeals brought against prohibition notices do not have the effect of suspending the notice

unless the court directs as such. Where an appeal is heard and the decision of the court is unsatisfactory to the appellant or the enforcing authority party, either may appeal to the Crown Court.

[Article 36](#) of the Order provides for bringing any dispute to determination by the Secretary of State; however a number of conditions must be met. Failure to meet any of the following conditions, indicate that the dispute is not suitable for a determination. The conditions for the bringing of a dispute are:

1. The responsible person or article 5(3) duty holder must agree with the enforcing authority that they have failed to comply with the requirements of the Order;
2. There is disagreement between the parties of how best to rectify the failure; and
3. The two parties agree to take the matter to dispute.
4. Disputes have been heard under the Order and tend to involve the Secretary of State requiring information from both sides of the dispute and attaching very short periods of compliance to those demands for more information. Where demands for information are not met by either party the determination may fail.

When the Secretary of State has received all required information with the periods specified, any determination reached by the Secretary of State is binding on both parties and in particular, the enforcing authority may not take enforcement action which is in conflict with the determination made.

2.4 Regulators should provide a timely explanation in writing of any right to representation or right to appeal. This explanation should be in plain language and include practical information on the process involved.

2.4.1 Response

As required by law, we provide a written explanation of the right and process of appeal whenever we serve a legal notice i.e. [PACE Code-B](#), [Alterations](#), [Enforcement](#), or [Prohibition](#) notice.

2.5 Regulators should make available to those they regulate, clearly explained complaints procedures, allowing them to easily make a complaint about the conduct of the regulator.

2.5.1 Response

We have high expectations of all our staff, particularly when dealing with those we regulate. We hope they find us friendly, accessible and competent and we like to know when people have received an especially good service. However sometimes things go wrong and we

also encourage people to let us know when they could have been better. [Compliments and complaints can be made via the external website or by e-mail, telephone or post.](#)

Throughout 2014 there have been a number of issues which have required us to be mindful of the implications of the Code some of which have caused us to review and address existing policies and procedures e.g. an amendment to our complaints policy which was duly communicated to BFS personnel and promoted via our [external website](#).

2.5.2 Action

Although we record our actions following the investigation of complaints we do not currently maintain a central register however this matter has been addressed and a new register will be launched by end of January 2015.

2.6 Regulators should have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those they regulate.

2.6.1 Response

We believe it is essential to evaluate the effectiveness of our Business Fire Safety audits in accordance with our objectives, including continuous improvement of service delivery.

1. Following a visit to a business premises we will invite premises managers to complete an on-line questionnaire covering elements of the fire safety visit we have carried out, including how punctual and polite were our Officers, what was covered by the visit, what fire safety advice was given, how informative was the visit, how were any recommendations followed up, what enforcements were made if any etc. In addition the effectiveness of the Fire Safety Audit can be measured by the risk level before and after the Fire Safety Audit. All responses are collated by the software system which converts data into a report for evaluation by the Head of Business Fire Safety and then published (unedited) to the [external website](#).
2. We welcome comments and suggestions and encourage members of the community to submit their views on how we can improve the Service we provide. Submissions can be made via the external website or by e-mail, telephone or post.
3. In August 2014 we launched a new [Business Fire Safety page](#) via Facebook. The page allows us to communicate a variety of topical messages, images, media clips, links to other websites and importantly a mechanism to receive questions and feedback from interested parties.

3. Regulators should base their regulatory activities on risk

3.1 Regulators should take an evidence based approach to determining the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks.

3.1.1 Response

We utilise a software system called [CFRMIS \(Community Fire Risk Management Information System\)](#) combined with the local knowledge of BFS personnel to manage the program of fire safety inspections. The fire safety audit system in CFRMIS provides the Service with the tools to ensure compliance with fire safety legislation in non-domestic premises, targeting which premises to audit based on risk profiles, efficiently undertaking those audits and associated activities and managing inspection and re-inspection programmes.

3.1.2 Action

Since the latter part of 2013 we have been working with the CFRMIS software developers ([CIVICA](#)) to upgrade its gazetteer from 'Address Point' to the National Land and Property Gazetteer (NLPG). The project has proved extremely challenging and has been fraught with problems however in November 2014 we finally achieved the changeover. The next stage of the project will involve our BFS personnel undertaking a manual trawl of the updated database to clear out unwanted premises i.e. premises with duplicate/triplicate entries or premises which we do not need to record e.g. sheep-pens etc. We anticipate this manual exercise being completed by end of February 2015 in readiness for the new financial and inspection year commencing 1st April. The net result of this work will be that we will possess a virtually 100% accurate database of all business premises within the Service area, each premises will have a unique property reference number (UPRN) linked to the NLPG and each premises will be accurately categorised in accordance with the Welsh Government's referencing system. We will also know exactly how many business premises there are within our Service area and when they should next be inspected.

3.2 Regulators should consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action.

3.2.1 Response

We have a wide range of interventions at our disposal to secure compliance with the Order and to ensure a proportionate response in relation to non-compliance. BFS Officers may

offer individuals, businesses and other undertakings information and advice either in person, in writing by letter or e-mail, or over the telephone. This may include a warning that, in the opinion of the officer, they are failing to comply with the law. Where appropriate, we may:

1. Agree an action plan,
2. Provide a notification of deficiencies report or serve an enforcement notice,
3. Prohibit or restrict the use of premises,
4. Give notice of intent to prosecute,
5. Or any combination of the above.

Enforcement notices, prohibition notices, and prosecutions are important ways to bring individuals, businesses or other undertakings to account for alleged breaches of the law. Where it is appropriate to do so and in accordance with our Enforcement Policy the Service will use one or more of these measures to secure compliance with fire safety law.

3.3 Regulators designing a risk assessment framework, for their own use or for use by others, should have mechanisms in place to consult on the design with those affected, and to review it regularly.

3.3.1 Response

In our previous report we wrote that “We are unclear as to whom this requirement is referring to i.e. national or local regulators” In the absence of any national guidance we consider that our response to 3.1 above would satisfy this requirement.

3.4 Regulators, in making their assessment of risk, should recognise the compliance record of those they regulate, including using earned recognition approaches and should consider all available and relevant data on compliance, including evidence of relevant external verification.

3.4.1 Response

The fire safety audit system in CFRMIS provides the Service with the tools to ensure compliance with fire safety legislation in non-domestic premises, targeting which premises to audit based on risk profiles, efficiently undertaking those audits and associated activities and managing inspection and re-inspection programmes. BFS personnel have the autonomy to give due consideration to compliance history and management attitude and are able to ‘override’ the suggested re-inspection dates generated by CFRMIS.

3.5 Regulators should review the effectiveness of their chosen regulatory activities in delivering the desired outcomes and make any necessary adjustments accordingly.

3.5.1 Response

This response also relates to 3.2.1 above.

1. In the event we serve a notification of deficiencies then dependent upon the nature of the problem we may revisit the premises at a later date to ensure that actions have been addressed. Failure to address certain matters may lead to an escalation in our enforcement powers.
2. In the event we agree an action plan, then we will revisit the premises at a later date to ensure that all actions have been addressed. Failure to address certain matters may lead to an escalation in our enforcement powers.
3. In the event we serve an enforcement notice, then we will revisit the premises at a later date to determine progress or ensure that all actions have been addressed. Failure to address certain matters may lead to an escalation in our enforcement powers.
4. In the event we prohibit or restrict the use of premises, then we will revisit the premises at a later date to determine progress or ensure that all actions have been addressed or to ensure that the Notice is not being breached. Failure to address certain matters may lead to an escalation in our enforcement powers.
5. Should the premises fail to address points 2-4 then we may give notice of intent to prosecute.
6. We may consider any combination of the above.

4. Regulators should share information about compliance and risk

4.1 Regulators should collectively follow the principle of “collect once, use many times” when requesting information from those they regulate.

4.1.1 Response

- CFRMIS (Community Fire Risk Management Information System) is used to maximise risk reduction and increase productivity through better management and targeting of fire safety resources.
- CFRMIS enables the Service to reduce risk to members of the public and operational fire crews, delivering improved management of risk auditing and reduction activities with operational intelligence, whilst maximising the efficiency of operational service delivery.
- CFRMIS allows site inspection data including fire safety audits, home fire risk assessments and operational intelligence to be gathered and automatically uploaded to the integrated central database. Information from the database can be presented in a variety of formats and shared accordingly.

4.2 When the law allows, regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.

4.2.1 Response

This matter is being addressed via the Welsh Regulators Forum.

5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply

5.1 Regulators should provide advice and guidance that is focused on assisting those they regulate to understand and meet their responsibilities. When providing advice and guidance, legal requirements should be distinguished from suggested good practice and the impact of the advice or guidance should be considered so that it does not impose unnecessary burdens in itself.

5.1.1 Response

The Service supports the principle that “prevention is better than cure” and will aim to secure compliance, avoid bureaucracy and excessive cost and will seek to work with the business community to support and encourage economic progress, by offering information and advice to those we regulate.

1. The BFS Department publishes a [wide range of fire safety information](#) to its external website and facilitates e-mail and telephone enquiries.
2. Information on the external website is published in Welsh and English with facility for ‘[BrowseAloud](#)’ for those who require online reading support.
3. The Service does not produce fire safety legislation or codes of practice but does publish literature from approved sources e.g. HM Government, Welsh Government etc.
4. The following statement is drawn from our current [Enforcement Policy](#) (page-5): “Where a regulated entity seeks advice or guidance from the Authority 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 Authority. However, 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 and the [Code for Crown Prosecutors](#) issued by the Director of Public Prosecutions.”
5. The Service would prefer to advise and guide rather than take enforcement action i.e.

serve notices or prosecute, but it must reserve the right to act in the public interest according to the circumstances of the case.

6. Our BFS personnel are now quite conversant with the expectations of the Primary Authority Scheme and all have access to the PAS national register. In the event that we need to inspect a premises which are part of a PAS then all laws and requirements are complied with.

5.2 Regulators should publish guidance, and information in a clear, accessible, concise format, using media appropriate to the target audience and written in plain language for the audience.

5.2.1 Response

- We provide a “Business Fire Safety” area within both our internal and [external web-sites](#) which contain information relevant to the anticipated reader. The external web-site is sub-divided into a number of key sections providing advice and guidance to the public on a variety of matters in particular what Responsible Persons need to do to comply with the requirements of current fire safety legislation and other associated subjects with contact details for each of the Command BFS departments.
- As previously mentioned, in August 2014 we launched a new [Business Fire Safety page](#) via Facebook. The page allows us to communicate a variety of topical messages, images, media clips, links to other websites and importantly a mechanism to receive questions and feedback from interested parties.

5.3 Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce to ensure that it meets their needs.

5.3.1 Response

The response to 1.2 above covers this requirement.

5.4 Regulators should seek to create an environment in which those they regulate have confidence in the advice they receive and feel able to seek advice without fear of triggering enforcement action.

5.4.1 Response

This has been addressed in response to 5.1.1(4) above.

5.5 In responding to requests for advice, a regulator's primary concerns should be to provide the advice necessary to support compliance, and to ensure that the advice can be relied on.

5.5.1 Response

This has been addressed in response to 5.1.1(4), (5) and (6) above.

5.6 Regulators should have mechanisms to work collaboratively to assist those regulated by more than one regulator. Regulators should consider advice provided by other regulators and, where there is disagreement about the advice provided; this should be discussed with the other regulator to reach agreement.

5.6.1 Response

There are two issues to be addressed.

1. As stated in 1.1.1 above, we have provided training to all BFS personnel in the operation of the Primary Authority Scheme; therefore they are aware that in the event of a disagreement, then there is a nationally agreed protocol facilitated by BRDO to which they must adhere.
2. We work collaboratively with a number of bodies who are regulated by more than one regulator. A notable example is the NHS Wales Shared Services Partnership in our dealings with Abertawe Bro Morgannwg University (ABMU) Health Board some of whose hospitals and other premises are also regulated by South Wales Fire and Rescue Service. To facilitate working arrangements we undertake regular meetings to address a wide range of fire safety related matters such as unwanted fire alarms, enforcement issues, new building work etc.

6. Regulators should ensure that their approach to their regulatory activities is transparent

6.1 Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.

6.1.1 Response

This matter was discussed with representatives of the BRDO at a meeting of the all Wales Business Fire Safety Group (BFSG) meeting in Llandrindod Wells on 22nd May 2014.

6.1.2 Actions

North Wales Fire and Rescue Service are drafting a set of clear service standards which once agreed will be adopted by the 3 Welsh Fire and Rescue Services.

6.2 Regulators' published service standards should include clear information on:

- 1. How they communicate with those they regulate and how they can be contacted;**
- 2. Their approach to providing information, guidance and advice;**
- 3. Their approach to checks on compliance⁶, including details of the risk assessment framework used to target those checks as well as protocols for their conduct, clearly setting out what those they regulate should expect;**
- 4. Their enforcement policy, explaining how they respond to non-compliance;**
- 5. Their fees and charges, if any. This information should clearly explain the basis on which these are calculated, and should include an explanation of whether compliance will affect fees and charges; and**
- 6. How to comment or complain about the service provided and routes to appeal.**

6.2.1 Response

As stated in 6.1.1 above, this matter was discussed with representatives of the BRDO at a meeting of the all Wales Business Fire Safety Group (BFSG) meeting in Llandrindod Wells on 22nd May 2014.

6.2.2 Actions

North Wales Fire and Rescue Service are drafting a set of clear service standards which once agreed they along with performance measurement arrangements will be adopted by the 3 Welsh Fire and Rescue Services.

6.3 Information published to meet the provisions of this Code should be easily accessible, including being available at a single point on the regulator's website that is clearly signposted, and it should be kept up to date.

6.3.1 Response

In advance of producing version-1 of this document we published a new section to our external website so as to demonstrate our commitment to complying with the Code. Updated documents will be published as Version-2, 3, 4 etc. including the month and year of

publication with a version control statement so readers may easily reference amendments.

6.4 Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.

6.4.1 Response

On completion of the work being undertaken by North Wales Fire and Rescue Service mentioned in response to 6.1 above, we will undertake training of our BFS personnel to ensure they understand and act in accordance with the agreed service standards.

6.5 Regulators should publish, on a regular basis, details of their performance against their service standards, including feedback received from those they regulate, such as customer satisfaction surveys, and data relating to complaints about them and appeals against their decisions.

6.5.1 Response

We already publish customer feedback reports to our [external website](#) but performance against complaints and service standards will be undertaken as soon as the service standards are agreed and performance measurement arrangements are put in place.

Summary of Actions to be Addressed

1.1.2

We will continue to:

1. Ensure new entrants to the BFS department receive the business awareness training session;
2. Seek to identify and deliver other means of training BFS personnel in business awareness.

1.2.3 & 2.1.2

Business Liaison working-group to contact the following organisations to ascertain their willingness to cooperate in policy consultation as required by the Code:

- Wales CBI;
- South Wales Chamber of Commerce;
- Commerce Cymru.

2.5.2

Although we record our actions following the investigation of complaints we do not currently maintain a central register however this matter has been addressed and a new register will be launched by end of January 2015.

3.1.2

Since the latter part of 2013 we have been working with the CFRMIS software developers (CIVICA) to upgrade its gazetteer from 'Address Point' to the National Land and Property Gazetteer (NLPG). The project has proved extremely challenging and has been fraught with problems however in November 2014 we finally achieved the changeover. The next stage of the project will involve our BFS personnel undertaking a manual trawl of the updated database to clear out unwanted premises i.e. premises with duplicate/triplicate entries or premises which we do not need to record e.g. sheep-pens etc. We anticipate this manual exercise being completed by end of February 2015 in readiness for the new financial and inspection year commencing 1st April. The net result of this work will be that we will possess a virtually 100% accurate database of all business premises within the Service area, each premises will have a unique property reference number (UPRN) linked to the NLPG and each premises will be accurately categorised in accordance with the Welsh Government's referencing system. We will also know exactly how many business premises there are within our Service area and when they should next be inspected.

6.1.2 & 6.2.2

North Wales Fire and Rescue Service are drafting a set of clear service standards which once agreed they along with performance measurement arrangements will be adopted by the 3 Welsh Fire and Rescue Services.

6.4.1

On completion of the work being undertaken by North Wales Fire and Rescue Service mentioned in response to 6.1 above, we will undertake training of our BFS personnel to ensure they understand and act in accordance with the agreed service standards.

6.5.1

We already publish customer feedback reports to our external website but performance against complaints and service standards will be undertaken as soon as the service standards are agreed and performance measurement arrangements are put in place.

Document Review

This document shall be reviewed:

1. At least annually, or
2. Following receipt of new information
3. We will publish revised iterations as Version-2, 3, 4 etc. including the month and year of publication with a version control statement so readers may easily reference amendments.

