

Powers of Entry

Report of the Chief Fire Officer

For further information about this report please contact John Redmond, Chief Fire Officer, on 01743 260201 or Steve Worrall, Assistant Chief Fire Officer, on 01743 260204.

1 Purpose of Report

This report sets out arrangements to authorise certain employees with powers of entry when carrying out duties on behalf of the Fire Authority.

2 Recommendations

The Fire Authority is asked to approve

- a) That authority is delegated to the Chief Fire Officer to authorise officers to exercise powers of entry under:
 - Fire and Rescue Services Act 2004
 - Regulatory Reform (Fire Safety) Order 2005
 - Health and Safety at Work etc Act 1974and any statutory re-enactment or amendment or Regulations made thereunder; and
- b) That authority is delegated to the Chief Fire Officer to maintain and review a register of all formally authorised warrant card holders

3 Background

Legislation empowers the Fire Authority to authorise, in writing, certain employees of Shropshire Fire and Rescue Service with the 'Power of Entry' where appropriate, to fulfil legislative duties on behalf of the Authority, the principal Acts and Regulations being:

- Fire and Rescue Services Act 2004¹
- Regulatory Reform (Fire Safety) Order 2005²
- Health and Safety at Work Act 1974 (Sections 19, 20, 21, 22, 23, 25 and 38)³

¹ <http://www.legislation.gov.uk/ukpga/2004/21/contents>

² http://www.legislation.gov.uk/ukxi/2005/1541/pdfs/ukxi_20051541_en.pdf

4 Authorised Employees

Employees authorised by the Fire Authority are issued with an identification card and a warrant card conferring the relevant powers of entry/enforcement stipulated within the above Acts and Regulations.

The Fire Authority is recommended to delegate to the Chief Fire Officer the power to authorise officers and the responsibility for maintaining a register of all formally authorised warrant card holders. The register will be held by the Human Resources department, reviewed annually and approved the Chief Fire Officer on behalf of the Authority (every February).

The data maintained on the register is confidential but an individual employee's authorisation may be challenged/verified by a member of the public at any reasonable time by making a verification request to the Service.

5 Withdrawal of Warrant

An authorised employee's warrant card will remain in force whilst the named individual (as recorded on the register) remains in the employment of the Fire Authority or has his/her warrant withdrawn in writing by the Chief Fire Officer.

6 Financial Implications

There are no further financial implications arising from this report.

7 Legal Comment

The above listed legislation confers powers of entry to employees of a fire and rescue authority who are authorised in writing by the authority. This power rests with the Fire Authority and a delegation is necessary if the Chief Fire Officer is to exercise this power on behalf of the Fire Authority.

8 Initial Impact Assessment

An Initial Impact Assessment has been completed.

9 Appendices

There are no appendices attached to this report.

10 Background Papers

There are no background papers associated with this report.

³ <http://www.legislation.gov.uk/ukpga/1974/37>