



Policing and Crime Act 2017

2017 CHAPTER 3

PART 1

EMERGENCY SERVICES COLLABORATION

CHAPTER 4

INSPECTION OF FIRE AND RESCUE SERVICES

11 Inspection of fire and rescue services

(1) The Fire and Rescue Services Act 2004 is amended as follows.

(2) In section 28 (inspectors), before subsection (1) insert—

“(A1) Her Majesty may appoint such number of inspectors of fire and rescue authorities in England (the “English inspectors”) as the Secretary of State may determine.

(A2) Of the persons appointed under subsection (A1) one is to be appointed as the chief fire and rescue inspector for England.

(A3) The English inspectors must inspect, and report on the efficiency and effectiveness of, fire and rescue authorities in England.

(A4) The English inspectors must carry out such other duties for the purpose of furthering the efficiency and effectiveness of fire and rescue authorities in England as the Secretary of State may from time to time direct.

(A5) The chief fire and rescue inspector for England may appoint assistant inspectors and other officers for the purpose of assisting the English inspectors.

(A6) When carrying out an inspection under subsection (A3) of a fire and rescue authority created by an order under section 4A, an English inspector must

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not review or scrutinise decisions made, or other action taken, by the fire and rescue authority in connection with the discharge of an excluded function.

(A7) For the purposes of subsection (A6), the following are excluded functions in relation to a fire and rescue authority—

- (a) the function of preparing a fire and rescue plan and a fire and rescue statement (within the meaning of Schedule A2);
- (b) the functions that the authority has in its capacity as a major precepting authority for the purposes of Part 1 of the Local Government Finance Act 1992;
- (c) the function of appointing a chief finance officer under section 4D(4);
- (d) where functions of the authority have been delegated to a chief constable under an order under section 4H, the functions conferred on the authority by section 4J(4) and (5);
- (e) functions specified, or of a description specified, in relation to that authority in an order made by the Secretary of State.

(A8) The power under subsection (A7)(e) may be exercised in relation to—

- (a) all fire and rescue authorities created by an order under section 4A,
- (b) a particular fire and rescue authority created by an order under section 4A, or
- (c) a particular description of fire and rescue authorities created by an order under section 4A.

(A9) Schedule A3 makes further provision in relation to the English inspectors.”

(3) In section 28, in subsection (1)(a), after “fire and rescue authorities” insert “ in Wales ”.

(4) After section 28 insert—

“28A Inspection programme and inspection framework etc: England

(1) The chief fire and rescue inspector for England must from time to time prepare—

- (a) a document setting out what inspections of fire and rescue authorities in England the English inspectors propose to carry out under section 28(A3) (an “inspection programme”);
- (b) a document setting out the manner in which the English inspectors propose to carry out the function conferred on them by section 28(A3) (an “inspection framework”).

(2) The chief fire and rescue inspector for England must obtain the approval of the Secretary of State to an inspection programme or inspection framework before the English inspectors act in accordance with it.

(3) The Secretary of State may at any time require the chief fire and rescue inspector for England to carry out, or arrange for another English inspector to carry out, an inspection under section 28(A3) of—

- (a) a fire and rescue authority in England;
- (b) all fire and rescue authorities in England;
- (c) all fire and rescue authorities in England of a particular type.

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- (4) A requirement imposed under subsection (3) may limit the inspection to a particular matter.
 - (5) The chief fire and rescue inspector for England or, at the request of that inspector, any other English inspector may carry out an inspection under section 28(A3) of a fire and rescue authority in England that has not been set out in an inspection programme (and has not been required under subsection (3)).
 - (6) Before deciding to carry out, or to request another English inspector to carry out, an inspection of a fire and rescue authority in England that has not been set out in an inspection programme, the chief fire and rescue inspector for England must consult the Secretary of State.
 - (7) Nothing in an inspection programme or inspection framework is to be read as preventing an English inspector from making a visit without notice.
 - (8) In this section “English inspector” means an inspector appointed under section 28(A1).”
- (5) After section 28A (as inserted by subsection (4)) insert—

“28B Publication of inspection reports etc: England

- (1) The chief fire and rescue inspector for England must arrange for a report prepared under section 28(A3) to be published in such manner as appears to him or her to be appropriate.
 - (2) But the chief fire and rescue inspector for England must exclude from publication under subsection (1) anything that he or she considers—
 - (a) would be against the interests of national security, or
 - (b) might jeopardise the safety of any person.
 - (3) The chief fire and rescue inspector for England must—
 - (a) send a copy of the published report to the Secretary of State, and
 - (b) disclose to the Secretary of State anything excluded from publication by virtue of subsection (2).
 - (4) The chief fire and rescue inspector for England must in each year submit to the Secretary of State a report on the carrying out of inspections under section 28(A3) (during the period since the last report).
 - (5) A report under subsection (4) must include the chief fire and rescue inspector for England's assessment of the efficiency and effectiveness of fire and rescue authorities in England for the period in respect of which the report is prepared.
 - (6) The chief fire and rescue inspector for England must lay before Parliament a copy of a report submitted under subsection (4).
 - (7) In this section “English inspector” means an inspector appointed under section 28(A1).”
- (6) In Schedule A2 (application of legislation relating to police and crime commissioners) (as inserted by Schedule 1 to this Act), in paragraph 8(2) (powers of police and crime

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panels: modifications of section 28 of the Police Reform and Social Responsibility Act 2011), after paragraph (d) insert—

“(da) the references in subsection (6) to the commissioner's functions were to the functions of the relevant fire and rescue authority that are excluded functions for the purposes of section 28(A6) of this Act (see section 28(A7)),”.

- (7) After Schedule A2 insert the new Schedule A3 set out in Schedule 3 to this Act.
- (8) A person appointed, before the coming into force of this section, under section 28 of the Fire and Rescue Services Act 2004 for the purpose of obtaining information in relation to the functions of fire and rescue authorities in England (including a person taken to have been so appointed by virtue of subsection (3) of that section) is to be taken—
- (a) if an inspector, to have been appointed under subsection (A1) of that section, and
 - (b) if an assistant inspector or other officer, to have been appointed under subsection (A5) of that section.

Commencement Information

II S. 11 in force for specified purposes at Royal Assent, see s. 183

12 Fire safety inspections

- (1) The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) is amended as follows.
- (2) In article 2 (interpretation), in the definition of “fire inspector”—
- (a) after “inspector” insert “, in relation to Wales,”;
 - (b) for “section 28” substitute “ section 28(1) ”.
- (3) In article 27 (powers of inspectors), after paragraph (4) insert—
- “(5) This article applies to a person authorised by the Secretary of State under article 25(1)(e) in relation to premises in England as it applies to an inspector; and article 32(2)(d) to (f), with the necessary modifications, applies accordingly.”
- (4) In article 28 (exercise on behalf of fire inspectors etc of their powers by officers of fire brigades)—
- (a) in paragraph (1)—
 - (i) omit “, or any other person authorised by the Secretary of State under article 25(e),”;
 - (ii) for “and (3)” substitute “ to (4) ”;
 - (b) after paragraph (1) insert—

“(1A) The powers conferred by article 27 on an authorised person (by virtue of paragraph (5) of that article) are also exercisable by an employee of a fire and rescue authority in England when authorised in writing by such an authorised person for the purpose of reporting to him or her on any matter falling within the authorised person's functions under this

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- Order; and articles 27(2) to (4) and 32(2)(d) to (f), with the necessary modifications, apply accordingly.”;
- (c) in paragraph (2), for “, or other person authorised by the Secretary of State,” substitute “ or authorised person ”;
 - (d) after paragraph (2) insert—
 - “(3) In this article, “authorised person” means a person authorised by the Secretary of State under article 25(1)(e) in relation to premises in England.”

Commencement Information

I2 S. 12 in force for specified purposes at Royal Assent, see s. 183

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