



**For the attention of** [REDACTED]  
Inspire Property Management  
6 Malton way  
Adwick le Street  
Doncaster  
DN6 7FE

Date: 28 February 2022

Enquiries To: [REDACTED]  
Mobile Tel: [REDACTED]

My Reference: F6 [REDACTED]/10432116

Dear [REDACTED]

**Regulatory Reform (Fire Safety) Order 2005**  
**Arundel House Flats, 34-54 Arundel Street, City Centre, Portsmouth, PO1 1NL**

With reference to your recent contact with my inspector, [REDACTED]  
I confirm the following arrangements.

A fire safety audit, under the above legislation, will take place as agreed on 3 March 2022  
at 10:00 by [REDACTED].

The accompanying notes provide information for your use when preparing for the audit.

A leaflet explaining the enforcement policy of the Hampshire & IOW Fire and Rescue  
Service is enclosed.

Your attention is drawn to the series of publications produced by the Ministry of Housing,  
Communities and Local Government (MHCLG), which provides information for the  
responsible person about the Fire Safety Order. These publications are available from the  
MHCLG website:

<https://www.gov.uk/workplace-fire-safety-your-responsibilities/who-is-responsible>

Any queries concerning the Fire Safety Audit may be directed to the inspector named  
above, but all correspondence should be addressed to me.

**Please quote our reference number on all correspondence.**

Yours Faithfully



For Chief Officer

Enc:  
Advisory Notes  
Leaflet on Inspection and Enforcement Procedures

## Advisory Notes

### A Visit by an Inspector - What to expect

#### 1 Introduction

These notes are provided for your information and use when preparing for the fire safety audit.

Audits are carried out following nationally agreed guidelines so that any advice given to you is consistent and proportionate to any risk in your premises.

We believe that prevention is better than cure and our inspectors will actively work with you to advise and assist with meeting the standard required.

Our inspectors carry out audits in a fair and open manner in accordance with the Enforcement Policy Statement. Any advice given to you will be put simply and will be confirmed in writing if required.

#### 2 Fire safety inspectors

All fire safety inspectors are issued with a written warrant which will be shown to you on request.

This warrant gives the inspector certain powers. A summary of these powers and the legislation concerned are detailed in the enclosed leaflet.

#### 3 Documentation required during the inspection

During the audit the inspector will need to view the following documents where applicable to your premises:

- Fire Risk Assessment
- Written fire safety arrangements (Policies and Procedures detailing the effective planning, organisation and control of fire safety matters).
- Fire Precautions Log Book
- Records of Staff Training and Fire Drills
- Records of Testing and Maintenance of Fire-fighting Equipment (Extinguishers)
- Records of Testing and Maintenance for All Fire Safety Systems Including Fire Alarms, Emergency Lighting, Sprinkler Systems and Smoke Ventilation Systems.

#### 4 Fire safety standards with in the building

As part of the audit the inspector may wish to monitor the fire safety standards in all or part of the building.

The inspector may also wish to talk to members of staff to confirm their level of fire safety awareness.

## Inspection and Enforcement Procedures

### A guide to the powers, inspection and enforcement procedures for inspectors of Hampshire & IOW Fire and Rescue Service

This advisory leaflet has been provided to ensure that you are aware of the inspector's powers, and to explain any enforcement action Hampshire & IOW Fire and Rescue Authority (the Authority) may take to rectify any fire safety breaches. The inspector will explain the reason for the inspection and what you will be required to provide during the inspection.

Fire safety inspectors have the right to enter any premises (except single private dwellings where 24 hours' notice must be given) without notice, although notice may be given when the inspector thinks it appropriate. The powers of the inspector and evidence of his/her authority will be produced for inspection if required.

As the responsible person it is your duty to ensure the health and safety of your employees and others, such as members of the public, who could be affected by the way you run your business. The purpose of an inspection is to sample how you are complying with your legal responsibilities imposed by the Regulatory Reform (Fire Safety) Order 2005 (the Order).

### What you are entitled to expect from enforcement officers

- A courteous manner.
- To be shown identification.
- Feedback on any visits, such as information about breaches of legislation and guidance on how they could be avoided.
- A clear distinction between what the officer is recommending as good practice and what you must do to comply with the law.
- To be given the reasons in writing for any action you are asked to take.
- Where there is an apparent breach of law, a notification of what the law is.
- Reasonable time to meet statutory requirements.
- Notification that the matter has been referred for legal action.
- To be advised of the procedures for appealing against Fire and Rescue Authority action.

### Enforcing the law

Where a breach of fire safety legislation is found, the inspector will decide what action to take. The action will depend on the nature of the breach and will be based on the principles set out in the Authority's policy statement on the discharge of fire safety duties. Inspectors may take enforcement action in several ways to deal with a breach of the legislation. This includes the following:

## 1. Informal Action

### Letter of Fire Safety Matters – Notification of Deficiencies

Where the Authority are of the opinion that you have failed to comply with any requirements imposed on you by the Order, but the fire safety breach is considered not to warrant service of an Enforcement Notice, a letter of fire safety matters with a notification of deficiencies will be issued to you by the inspector.

The letter will identify the matters to address, an example of a suitable remedy, and specify a time frame to complete the remedy.

The Inspector will explain to you each area of improvement within the letter; the particular fire safety breach, a recommended remedy, and appropriate time scale to complete the actions.

You are not obliged to adopt a specific remedy, in each improvement area, as recommended by the inspector. Where you wish to apply an alternative remedy, this should be discussed with the Inspector, who can then advise you on whether this would be a suitable alternative.

Should you wish to extend or revise the letter of fire safety matters, you should contact this Authority.

On completion of all the items within the letter of fire safety matters, you should contact this Authority.

The notification of deficiencies is not an Enforcement Notice. It identifies fire safety breaches which are required to be addressed to meet your legal obligations under the Order and is issued by the Authority before any formal enforcement action is contemplated.

Where a notification of deficiencies is not completed within the specified period, a formal Enforcement Notice may be served on the Responsible person.

## 2. Formal Action

### Alterations Notice

Where it is considered by the Authority that premises constitute a serious risk to persons, whether due to

- the features of the premises,
- their use,
- any hazard present,
- any other circumstances;

**or**

- the premises may constitute such a risk if a change is made to them,
- or the use to which they are put, it may serve on you, as the responsible person, an Alterations Notice. Where an Alterations Notice has been served, you must notify the Authority before making any of the following changes:
- a change to the premises;

- a change to the services, fittings or equipment in or on the premises;
  - an increase in the quantities of dangerous substances which are in or on the premises;
- or**
- a change to the use of the premises which may result in a significant increase in risk.

### **Enforcement Notice**

Where the Authority are of the opinion that, as a person being under an obligation to do so, you have failed to comply with the requirements placed upon you by the Regulatory Reform (Fire Safety) Order 2005 (the Order) and that formal enforcement is appropriate in the circumstances, you may be served with an Enforcement Notice.

Attached to the Notice will be a schedule specifying the matters that, in the opinion of the Authority, constitute failure(s) to comply with the Order.

The schedule will also identify the steps that must be taken to remedy the specified failure(s), to ensure that you comply with the Order.

Unless the steps identified in the schedule to the Notice are taken by the specified date, it will be considered that you have not complied with the Notice and the Authority may consider a prosecution against you. You may however apply for an extension of time.

### **Prohibition Notice**

Where the inspector considers that the use of the premises involves, or will involve, a risk to persons on the premises in the event of fire so serious that use of the premises ought to be prohibited or restricted, then the Authority may serve a Prohibition Notice.

The Notice may prohibit or restrict use immediately or after a specified time and not allow it to be used until remedial action has been taken. The Notice will explain why the action is necessary.

### **Notice Under Article 37 (Fire-Fighters' Switches For Luminous Tube Signs)**

Where apparatus to which this article applies has been installed or an installation is proposed in or on the premises, the responsible person must give notice to the Fire and Rescue Authority.

The Authority may also serve a Notice of requirements, relating to the position, colour and marking of the cut-off switch, on the responsible person.

### **Factors which affect choice of enforcement action**

There are a number of factors which enforcement officers will consider when deciding which course of action to take. These are:

- The seriousness of the alleged offence.
- The previous history of the party concerned
- The likelihood of the defendant being able to establish a satisfactory defence, e.g. 'due diligence'.
- The willingness of the party to prevent a recurrence of the problem.

- Whether there is satisfactory evidence.
- Any relevant explanation offered by the affected party.
- The probable public benefit of the action and the importance of the case, e.g. whether a prosecution might establish legal precedent in other companies or nationally.

## **Legal enforcement**

The Authority will consider prosecution where for example, there is failure to comply with the fire safety duties imposed by the Order and that failure has put one or more relevant persons at risk of death or serious injury in case of fire.

In addition if there has been a failure to comply with any requirement or restriction imposed by a notice issued under the Order, then again consideration will be given to prosecution.

## **Penalties**

Failure to comply with the fire safety duties imposed by the Order or with any requirement or restriction imposed by a Notice issued under it, is a criminal offence under Article 32 of the Order. A person guilty of such an offence shall be liable

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine, imprisonment for a term not exceeding two years, or  
both.

Any person found guilty of an offence under any requirement imposed by Article 37 in respect of luminous tube signs is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **Appeals**

A person on whom an Alterations Notice, an Enforcement Notice, a Prohibition Notice or a Notice under Article 37 (fire-fighters' switches for luminous tube signs) is served may, within 21 days from which the Notice is served, appeal to a magistrates' court.

## **Public register**

You should be aware that in order to satisfy the "Environment and Safety Information Act 1988" the Authority is obliged to enter details of certain notices called "relevant notices", into a register to which the public have access.

"Relevant notices" are those which impose requirements or conditions concerning health safety and environmental protection. Entries on the register will be kept for a period of at least three years.

Entries to the register will be made within 14 days of the expiry of the right of appeal or the disposal of an appeal against the content of a notice. If a notice is cancelled on appeal no entry will be made.

Where an inspector is satisfied that a notice has been complied with, is withdrawn or amended entries in the register which relate to the notice will be deleted or, as the case may be, amended within 7 days following the date the notice was complied with, withdrawn or amended.

If you think that the entry for a notice would disclose commercially sensitive information you should give written notice to the Authority within 14 days.

The authority will then draft an entry which is considered not to disclose the information and serve this on you. In the meantime, the entry will specify only your name, address, the place involved and the relevant legal provisions.

If you are not satisfied with the redrafted entry you have a further right of appeal to the Secretary of State within 14 days.

### **Complaints**

If you are unhappy with the way the inspection has been conducted, or wish to make a complaint concerning any aspect of an inspection you should contact:

The Chief Officer  
Hampshire & IOW Fire and Rescue Service Headquarters  
Leigh Road  
Eastleigh  
SO50 9SJ