



**Hampshire  
& Isle of Wight**  
FIRE & RESCUE SERVICE

**Information Compliance Team**  
Headquarters  
Leigh Road  
Eastleigh  
Hampshire  
SO50 9SJ

Sent by email to:

[REDACTED]

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**t.** 02380 644000  
**e.** DP@hantsfire.gov.uk  
**w.** hantsfire.gov.uk

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Date: 22 October 2024

Our Reference: FOI 086 24-25

Enquiries to: Information Compliance Officer

### **Freedom of Information Act 2000**

Dear [REDACTED]

We are writing in respect of your application for the release of information held by the Service, which we received on 30 September 2024. We can confirm that we have now completed our search for the information requested.

#### ***You asked:***

*1) I am writing to request information under the Freedom of Information Act 2000 regarding the Enforcement Notice issued to the Responsible Persons of Admiralty Quarter, Portsmouth*

*Specifically,*

*1. What steps Hampshire Fire and Safety Service is taking to ensure that the current requirements of the Enforcement Notice are being adhered to by the Responsible Persons of Admiralty Quarter Portsmouth.*

#### **Our answer:**

We can confirm that we hold the information requested except as noted below. Hampshire and Isle of Wight Fire and Rescue Service will assess compliance with the Enforcement Notice near to the date of the notice. We are working with the Responsible Persons and assisting where possible.

**You asked:**

- 2. Whether an extension to the 1st November deadline for compliance has been agreed with the Responsible Persons.*
- 3. If an extension has been granted, I request clarification as to why this decision was made.*

**Our answer:**

No, an extension has not been agreed at this point. However, the Responsible Persons do have the option to request an extension to the notice. We are obliged to consider all applications for extensions, and we will consider each case on its own merits including all circumstances and may offer an extension, following senior management consultation, if we feel suitable progress has been made.

As such we do not hold, per Section 1 of the Freedom of Information Act 2000, the answer to question 3 above as no decision has been made.

**You asked:**

- 1. Full details of all discussions that have recently taken place between Hampshire Fire and Safety Service and the Responsible Persons of Admiralty Quarter, particularly those relating to fire and safety compliance.*

**Our answer:**

**Investigations and proceedings conducted by public authorities**

While we can confirm that we hold this information, we are refusing to provide it per Section 30(1)(a) and 30(1)(b) of the Freedom of Information Act 2000. Section 30(1)(a) provides that information is exempt from being provided where disclosure would prejudice any investigation that a public authority has a duty to conduct to determine whether any person should be charged with a criminal offence. Section 30(1)(b) provides a similar exemption for investigations conducted by a public authority which may lead to a decision to institute criminal proceedings.

The Regulatory Reform (Fire Safety) Order 2004 (the "Order") gives fire and rescue services the power and duty to investigate potential offences under the Order, per Article 26(1). The records of discussions in this case have been collected as part of an investigation under the Order and will be used as evidence to determine whether any person should be charged with an offence.

Please note that this does not mean that a decision to prosecute has yet been made or will be made in the future. The legislation applies to information collected as part of investigations to determine whether a charge should be made and does not require a decision to have been taken for the exemption to be applied.

**Public Interest Test**

For these exemptions to apply, the public interest in maintaining them must outweigh the public interest in disclosing the information.

## **Public Interest for Disclosure**

There are several reasons in favour of disclosure to the public at large as follows:

- There is a general interest in public bodies being transparent about their activities to the public.
- It would evidence that Hampshire and Isle of Wight Fire and Rescue Service takes appropriate measures to ensure the fire safety of buildings via proper evidence collection.
- It would give further information into how investigations are conducted, adding to public awareness and debate.
- It would give more information specifically relating to Admiralty Quarter in Portsmouth, allowing residents to take action.

## **Public Interest Against Disclosure**

There are also significant reasons why providing the information is not in the public interest.

- There is an inherent public interest in our being able to undertake our statutory functions under the Order. The Order's purpose is to keep people safe from fire by ensuring there is an effective mechanism to require that buildings comply with fire safety legislation.
- It is essential for us to be able to carry out our duties in a planned, objective and balanced manner, carefully collecting and considering evidence as part of the investigation. Key to this is ensuring that we can maintain control over all material that forms part of our investigations. Failure to do so would damage both the credibility and effectiveness of any actions or decisions we undertake based on the information gathered, endangering lives.
- Co-operation between us, as the regulator, and the Responsible Persons for any property is important to enable decisions to be taken in a safe space without undue bias from the public or regulated persons. This is especially the case where information may have been volunteered. Investigations are more effective, and less time-consuming, where people can volunteer information without being compelled. There is a clear public interest in not deterring voluntary supply of information to save public costs and time required by compelling information.
- Compelling people to provide information can also cause delays and there is a clear public interest in ensuring properties' fire safety is improved as soon as possible.
- Further, to maintain this co-operation, persons providing information must be protected. This is because of the potentially adverse effects to parties caused by the disclosure of evidence they have provided, or which relates to them.
- Release of investigation information could also enable individuals to take their own civil actions which would undermine any investigation or prosecution being undertaken by

us, or that we may take in the future. It could, in the worst case, prevent us from being able to prosecute under the Order, preventing appropriate levels of fire safety being achieved. This is especially the case where our investigations have not yet concluded.

## **Conclusion**

Ensuring that we can take appropriate steps to ensure that properties have appropriate fire safety measures in place is key to saving lives, which is our core function as a fire and rescue service. Our ability to investigate and prosecute individuals failing to take appropriate steps to secure the fire safety of any premises is an important tool to achieve this objective. Providing this data would prejudice our ability to remain a robust and efficient regulator of fire safety. It would also undermine, and consequently have a prejudicial effect on, the decisions taken following the investigation, opening them up to challenge and further legal action. Such a disclosure would therefore delay, or prevent in the worst cases, actions being taken to improve the fire safety of a premises. This has the potential to risk lives and cause harm to individuals. Therefore, there is a clear public interest in ensuring we are able to perform our statutory function of investigating and prosecuting individuals under the Order and this interest outweighs the public interest in disclosure.

### ***You asked:***

*2. Whether Hampshire Fire and Safety Service is actively obliging the Responsible Persons to meet the requirements outlined in the current Enforcement Notice by the 1st November deadline and if not, the reasons why this obligation is not being enforced.*

### **Our answer:**

The Responsible Persons are required to comply with the Enforcement Notice under the Order. We will measure that compliance in line with the process laid out in NFCC guidance. This process requires us to work with the Responsible Persons and also provides flexibility with timeframes to support a satisfactory outcome.

### ***You asked:***

*3. Whether a new Enforcement Notice has been issued, and if so, what the new compliance deadline is and what factors led to this decision.*

### **Our answer:**

No new Enforcement Notice has been issued.

### ***You asked:***

*4. Why representatives of residents and leaseholders were not invited to the last meeting between Hampshire Fire and Safety and the Persons Responsible.*

### **Our answer:**

AQPM (a Responsible Person) as we understand is the elected representative for the residents and leaseholders of Admiralty Quarter and was in attendance at the last meeting.

The above concludes our investigation into this matter.

Any future correspondence with Hampshire and Isle of Wight Fire and Rescue Service in relation to this matter should be sent to the Information Compliance Officer at the above address.

If for whatever reason you are unhappy with our response you may request an internal review by contacting [DP@hantsfire.gov.uk](mailto:DP@hantsfire.gov.uk) or by writing to the Data Protection Officer at the above address.

Should you remain dissatisfied you can appeal against the internal review decision by contacting the Information Commissioners Office. This can be done online at [www.ico.org.uk/foicomplaints](http://www.ico.org.uk/foicomplaints) or by post to The Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.

Yours sincerely

Information Compliance Officer  
Hampshire and Isle of Wight Fire and Rescue Service