



Regulatory Reform (Fire Safety) Order 2005

This leaflet is intended for those who have duties under the Regulatory Reform (Fire Safety) Order 2005 ('dutyholders'), for example employers and those in control of premises. It explains what you can expect when a fire safety inspector calls at your premises. It also tells dutyholders and their representatives what information the inspector may require during a visit.

Who Enforces Fire Safety Law?

Fire safety law within West Yorkshire is enforced in the majority of cases by appointed inspectors from the West Yorkshire Fire and Rescue Authority. All inspecting officers are provided with a Service uniform and carry ID and authorisation cards. The ID card includes a photograph of the inspector.

Inspectors have the right to enter any premises without giving notice, though notice may be given where the inspector thinks it is appropriate (e.g. pre-planned visits). On a routine visit an inspector will discuss with you the outcomes of your fire risk assessment. They may look at all or part of your premises, examine any work activities and your fire safety management records. The inspector may offer guidance or advice to help you.

Other inspections carried out by Operational officers from West Yorkshire Fire & Rescue Authority

In addition to the inspections carried out by appointed inspectors, operational fire officers may visit your premises. These officers do not have authorisation cards, however, they will be uniformed and carry an ID card. The main purpose of these inspections is to familiarise themselves with the building and its surroundings and to obtain information that could help them should a fire occur in your premises. They may also collect basic information regarding your general fire precautions. These officers are not appointed by the Authority and should not offer advice on general fire precautions. Should you require any advice then it is recommended that you contact the appropriate fire safety office detailed below.

Enforcing Safety Law

On finding a breach of fire safety law, 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 *Enforcement Policy Statement* available on our website. Inspectors may take enforcement action in several ways to deal with a breach of the law. In most cases these are:

Informal

Where the breach of the law is relatively minor, the inspector may tell the dutyholder, what to do to comply with the law, and explain why. The inspector will not write to confirm any advice unless specifically requested to do so. Any advice given will distinguish legal requirements (what must be done), from best practice advice.

Enforcement Notice

Where the breach of the law is more serious, the inspector may issue an enforcement notice to tell the dutyholder to do something to comply with the law. The inspector will discuss the enforcement notice and, if possible, resolve points of difference before serving it. The notice will say what needs to be done, why, and by when. The time period within which to take the remedial action will be at least 28 days, to allow the duty holder time to appeal to an Magistrates Court if they so wish (see 'Appeals' below). The inspector will take further legal action if the notice is not complied with within the specified time period.

Prohibition Notice

Where an activity involves, or will involve, a risk of serious personal injury, the inspector may serve a prohibition notice prohibiting the activity immediately or after a specified time period, and not allowing it to be resumed until remedial action has been taken. The notice will explain why the action is necessary. The dutyholder will be told in writing about the right of appeal to a Magistrates Court (see 'Appeals' below).

Prosecution

In some cases the inspector may consider that it is also necessary to initiate a prosecution. Decisions on whether to prosecute are informed by the principles in Authority's *Prosecutions Policy*. Fire safety law gives the courts considerable scope for punishing offenders and deterring others.

Appeals

A dutyholder will be told in writing about the right of appeal to a Magistrates Court when an enforcement or prohibition notice is served. The appeal mechanism is also explained on the notes section of the notice. The dutyholder will be told:

- how to appeal; and
- where and within what period an appeal may be brought.

Information from Employees

An inspector may wish to meet or speak to your employees during a visit.

Complaints

If you have a complaint that correct procedures have not been followed then you can contact the inspector's manager to discuss the matter. The manager will investigate your complaint and tell you what is going to be done about it. Most complaints are settled in this way, very often immediately. If you are still not satisfied you can write to the Fire Protection Manager at West Yorkshire Fire & Rescue Service, Oakroyd Hall, Birkenshaw, BD11 2DY

How to find out more about fire safety law and how it is enforced.

More information, including what businesses must do by law, can be found on the CLG website: <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>

Further Information: Please visit West Yorkshire Fire & Rescue Service's website or contact us using the information below

The Senior Fire Protection Manager
West Yorkshire Fire and Rescue Service
Oakroyd Hall
Bradford Road
Birkenshaw
BD11 2DY

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