

Prevention and Protection Delivery Plan 2021-2024

Introduction

The Prevention and Protection Delivery Plan identifies the key areas of focus which will be delivered to achieve the outcomes of the Integrated Risk Management Plan (IRMP) and the Service Strategic Plan 2021-24. We aim to directly deliver outcomes to support the following strategic objectives:

- We will understand our community and the risks they face
- We will help the public and businesses to stay safe
- We will effectively deliver activities to prevent fires and other emergency incidents
- We will protect the public from fires and other risks by delivering fire regulation, legislation and protection activities

Our delivery of Prevention and Protection activities will continue to help people to prepare for emergencies; working hand in hand with our partners to reduce risks and demands. We will help keep our communities safe and make them a better place to live, travel and work. Our enforcement role supports our education role and we will continue to target those premises that put our communities at risk from fire. Whilst achieving the above strategic objectives, we will also contribute towards managing the Service in other outcomes connected with Prevention and Protection, including people focussed objectives. We will enhance our statute delivery of Protection, growing our capacity and capabilities in this area and contributing to the ongoing national changes and outcomes from the Grenfell Tower Fire to ensure our built environment is safe.

Our framework for delivering Prevention and Protection (appendix 1) outlines how we will achieve this delivery plan, now and into the future, with continual improvement embedded into the framework. A series of supporting delivery plans at station and district level will provide both direction and permission to fulfil the aims of this Delivery Plan. All supporting delivery plans are reviewed and managed monthly. Transparent governance arrangements will be employed allowing the Public, through arrangements within Humberside Fire Authority and the independent Governance Audit and Scrutiny Committee, to examine the effectiveness of this delivery plan. Alongside the plan, we will publish our policies, position statements and performance against key deliverables.

Our teams will provide overt leadership and promotion of the sectors core values, as well as adopting the National Fire Standards across Prevention and Protection. Equality and inclusion will be a key element both internally and externally.

We will maximise the use of applied data-led intelligence and the use of technology to direct resources to where they are most needed. We will work with partners to deliver innovative practice and use behavioural change tools to lower risk within domestic and business communities. We will protect communities and businesses by encouraging customers to self-learn, self-develop and self-serve to reduce risk and increase resilience to emergency incidents.

We will communicate with our customers through community forums and develop services from a customer-led perspective, by understanding the customer journey, evaluating our delivery from the customer view.

Where are we now? (2020/21)

A previous redesign programme across Prevention and Protection has been completed and a new review period has commenced considering the learning from influential events during the lifespan of the redesign programme, such as the tragic Grenfell Tower Fire of 2017 and the COVID-19 pandemic of 2020. A Humberside Fire Authority paper, detailing the conclusion of the previous redesign programme, is available on the Humberside Fire and Rescue Service (HFRS) website.

What we anticipate

We will collaborate with partners to understand and map the demand for our services and the identifiable risks. Other partnership work, such as a study of health and wellbeing systems, has created insight into where our demand converges and how we can work more efficiently. We believe that the best way to predict and reduce demand is to work closely with our partners, sharing intelligence to create insight. Insight is a key method to understanding our communities, which in turn highlights the efficient and effective engagement needed to keep them safe and well. In an environment with an aging population where community risk such as frailty and vulnerability are anticipated to grow and risk across the built environment continues to be a key national focus in the ongoing learning from the Grenfell Tower Public Inquiry, we will continue to investigate ways to create insight from shared intelligence as well as contribute to national outcomes, such as the National Fire Chief Council (NFCC) Building Risk Review for high-risk premises. We will also look to innovate with the support of private industry allowing us to further develop. We will analyse and forecast using historic local trends by season so that we can plan our interventions ahead of peak demands across all community risk in prevention and protection, including weather events such as drier summers and flood risk.

Insight from national sources is important. We contribute to analysis and research carried out on behalf of the NFCC via the Fire Central Programme Office, Data and Digital Programme. We are also involved in both the NFCC Person-Centred approach for domestic fire risk, as well as the NFCC Community Risk Programme for non-domestic premises risk measuring.

With this intelligence, we produce and refresh annually, two key risk profile reports:

- Domestic Risk Profile
- Business Risk Profile, incorporating our Risk Based Inspection Programme (RBIP)

How we will measure success

We will continue to measure success through sustainable reductions in emergency incidents, casualties and fatalities, as well as the reduction in the severity of the incidents that we attend and specific reductions in areas such as Unwanted Fire Signals (false alarms).

We will ensure that we measure our activities through evaluation tools, as well as assure the quality of our delivery. We will produce an annual report on the learning points raised through evaluation and quality assurance and use this to continually improve and influence our delivery as noted in the framework.

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We will measure success in partnership environments by defining and contributing to outcome-based accountability models with local authority partners and others through Joint Strategic Intelligence Assessments (JSIA).

Specifically, we will report on the Strategic Performance Indicator (SPI) measures set out in the Strategic Plan 2021-24, namely:

- The percentage of safe and well visits to high-risk dwellings
- The percentage of safe and well visits to high-risk dwellings completed on time
- The percentage of referrals that result in a Safe and Well Visit
- The percentage of referrals that result in advice provided
- The number of high-risk business premises inspections completed
- The number of RBIP premises crew engagement visits completed
- The number of inspections that result in further action or enforcement
- The number of statutory consultations that are completed within the given timeframes

Alongside these measures, we will aim to achieve set minimum delivery against key proactive deliverables, as set out below:

Deliverable	Our Aims
Safe and well visits by Crews (high risk)	We will aim to prioritise those over 80 in high-risk dwelling groups, aiming to deliver engagement to the 5962 households in this category in year one.
Fire safety B1 engagements by Crews (RBIP)	We will aim to prioritise those commercial premises identified in our Risk Based Inspection Programme, aiming to deliver engagement to the 5886 premises in this risk category in year one
Fire Safety Audits (Inspectors)	We will aim to audit the 1131 premises in the highest risk category of our Risk Based Inspection Programme in year one

Review

The delivery, monitoring and review of the Prevention and Protection Delivery Plan will be the responsibility of the appropriate Director, informed by the success measures/performance framework outlined/in place. The Plan is for three years and will be reviewed annually, alongside our risk profiles, to ensure that it continues to align with the Strategic Plan as an integrated delivery model. Reviews may also be considered away from the annual timescale to support organisational changes or to meet any emerging and identified risks to Service Delivery.

The annual review of the delivery plan will also focus on the aims set out above. These aims will be revised in line with an annual refresh to our risk profiles. Specifically, the aims for the auditing of premises will increase as our planned increase to competency across our workforce is progressed, in line with the Enforcement Plan.

Key Areas of Focus

The key areas of focus for our activities will be delivered across four key themes of **Fire Safety, Road Safety, Water Safety and Wellbeing** and be delivered by frontline response personnel, supported by specialist Prevention and Protection teams and individuals.

Fire Safety

Arson Prevention

We will collaborate with the Police, Local Authorities and other partners to reduce the number of incidents and the impact of arson. We will deliver services to protect individuals and properties (including unused and derelict premises) identified as being 'at risk' from arson, as well as focussing resources in areas identified as 'hotspots' from our incident trends and public feedback, utilising our communication tools for the public to inform us such as the arson text line, website contact and non-emergency number as well as promoting Crimestoppers contact number use. We will adopt the OSARA model as a means of monitoring the effectiveness and efficiency of our interventions.

Fire Investigation

We will conduct investigations into the cause and origin of fires and ensure our findings inform our future Prevention and Protection delivery, as well as contribute to national analysis for the future prevention of fires.

Fire Safety Engagement

We will engage with all businesses through a variety of routes to ensure they are supported in meeting their statutory obligations with relevant legislation such as the Regulatory Reform (Fire Safety Order) and in making their buildings safe.

We will work with businesses to reduce false alarms at business premises through our [Unwanted Fire Signals policy and procedure](#)

We will hold specific engagement events, such as targeted seminars, to connect with businesses and owners and educate those businesses in relevant fire safety topics, as well as engaging with businesses in other areas such as arson risk, flood risk and business continuity.

Fire Safety Enforcement

We will audit premises and where necessary, will enforce legislation to improve the standards of fire safety. If appropriate, we will prohibit or restrict the use of premises to protect those at risk. We will deliver our enforcement role in line with our [Enforcement Plan](#).

NFCC Building Safety Group

We will continue to deliver against the expectations of the NFCC, Government departments and others, in ensuring safety across the built environment by contributions to national programmes, such as the Building Risk Review programme.

Road Safety

We will align with **Safer Roads Humber** (SRH) and associated partners [strategy](#) to deliver educational activities to prevent road traffic collisions and reduce the number of people killed and seriously injured on our roads.

Water Safety

We will work with partners to educate the community on the risks in and around water across our area, including from the risk of flooding. We will work together to consider what safety measures could be put in place to prevent incidents or mitigate the impact from incidents. This will be done working in partnership with others, including through the Local Resilience Forum.

Wellbeing

Safe and Well

Safe and Well visits are our main delivery within prevention which will be delivered to those most at risk in line with our risk profiling, visiting the homes of the most vulnerable and providing fire safety advice, fitting smoke alarms if needed and offering assistance in other areas to promote safety and wellbeing. This will be carried out through our engagement with the multi-agency [Making Every Contact Count \(MECC\)](#) principles. We will refer to other professionals where there is further risk apparent in other areas beyond these principles. Safe and Well services are accessible to all and we will assess the risk to determine the appropriate course of action for the individual circumstances.

Children & Young People Education

We will deliver educational activities to young people to raise awareness of fire, road and water safety and wellbeing.

We are committed to educating young people and will aim to deliver face to face engagement to every school child through a school education programme.

We will also aim to find opportunities to offer activities across youth engagement as a commissioned provider (eg BTEC, National Citizenship Courses and Princes Trust).

Cross-Cutting Prevention and Protection Delivery

Community Inclusion

We will engage with our partners and the public to develop a greater understanding of our area and ensure that our activities are responsive and accessible to the needs of the community. We will ask our community how we are doing and use this information to improve. We will work toward successful outcomes within our Public Safety Equality Duties.

Collaboration and Partnership

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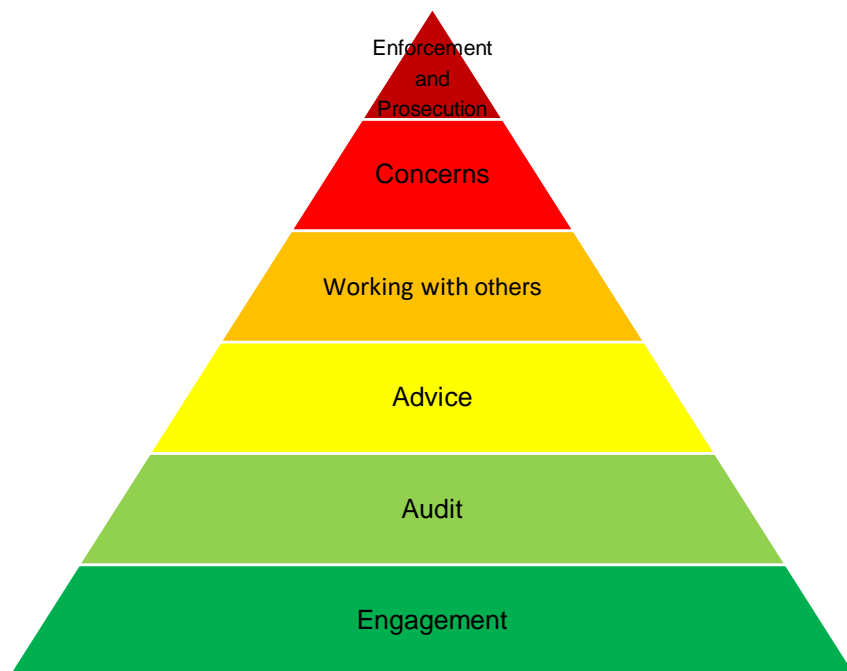
We will explore all opportunities to further collaborate with partners, including volunteer organisations in identifying joint community outcomes that can be delivered by working together. We will look to improve effectiveness and efficiency through working together and access funding streams to enhance delivery.

Enforcement Plan

The Enforcement Plan is part of the overall Prevention and Protection Delivery Plan and identifies our role in enforcement and how we conduct this area of our delivery.

It is our statutory duty to enforce The Regulatory Reform (Fire Safety) Order 2005 (as amended by the new Fire Safety Act) and promote fire safety. We will support responsible persons, duty holders, business and communities to fulfil their legal duties in maintaining the safety of relevant persons who may be present on their premises. This will also support economic growth across Humberside. Alongside the Fire Safety Order, The Fire Authority is responsible for supporting other regulatory bodies in maintaining the safety of persons through licensing, event safety, housing, public health and caring in the community plus many other areas.

We are statutory consultees with regard to the Building Regulations via either the Local Authority or an Approved Inspector. Through effective consultation with these building control bodies, we aim to ensure that buildings are safe for their intended occupiers on completion. To facilitate this consultation process, the building control body will take the coordinating role with other regulatory bodies, where appropriate. Any requirements and advice we give will be channelled through the building control body to the applicant. The principle for this, is that consultations will assist the developer in compliance with Building Regulations throughout the build and compliance with The Regulatory Reform (Fire Safety) Order 2005 on occupation.



We will ensure effective delivery of our enforcement role through planning and deployment of competent staff, ensuring responsibility and accountability at appropriate levels, through our Business Risk Profile, including the Risk Based Inspection Programme (RBIP). We will embed the revised National Fire Chief Council (NFCC) Competency Framework across all our staff who are delivering activities within our Enforcement Plan.

We will distribute the delivery of our overall protection work across six main areas. We aim for this to be a targeted and proportionate approach as demonstrated in the pyramid diagram below, with engagement and audit being the large proportion of our work, and prosecutions being at the very top of the hierarchy.

Engagement – Our largest staff group is made up of our operational crews and they will carry out engagements to premises identified within our RBIP, acting as our eyes and ears within the community, as well as educating premises' responsible persons. Crews will also carry out post-incident engagement, primarily for false alarm management. Any matters pertaining to potential breaches of fire safety will be referred to higher qualified staff.

Audit – Our primary method of ensuring premises are safe will be through our RBIP, which will take most of our time. Competent protection staff will carry out audits to our highest-risk premises identified through our RBIP, as well as those referred through from concerns from the public or partners and operational crew engagement visits.

During the lifespan of this plan, operational crews will become competent to audit premises identified from our RBIP, increasing our capability and capacity to deliver this primary method of our protection role.

Advice – A competent and transparent service offering timely and accessible advice to those with responsibility for fire safety is more likely to result in a safer and more prosperous community, as opposed to the rigid application of hard enforcement measures. Advice offered will be targeted and transparent using the national guidance documents as a benchmark in terms of standards. When dealing with responsible persons and duty holders, we will provide a level of advice that enables them to understand what is required by the legislation, but will not extend into the field of consultancy. Our website will be utilised as a self-service function, to allow responsible persons and duty holders to find the majority of what may be needed to understand their responsibilities and requirements by the legislation. We will also aim to deliver seminars and events to engage with our business communities in relevant topical areas.

Working with others – We will work with other regulators and partners to help identify overlaps in legislation, and collaborating, where possible, to negate duplication of effort in the achievement of shared outcomes. We will meet regularly with these partners, for example, Local Authority Building Control sections.

Concerns - Analysis has shown that responding to concerns raised by members of public or other partner agencies are more likely to result in fire safety deficiencies being identified than scheduled audits. We will take every concern seriously and apply a risk-based approach to each. For example, persons in premises that are perceived to be in serious and imminent danger will demand the greatest urgency. Concerns will be assigned to officers with the appropriate level of competence and authority in relation to their nature and type of premises.

Enforcement and Prosecution - The appropriate use of statutory powers including enforcement, prohibition and prosecution, is important, both to secure compliance with the law and to ensure that those who have duties within it may be held to account for failures to safeguard health, safety and welfare.

We will use the powers of legal enforcement and prosecution available to us, where this is appropriate to ensure public safety, using a ‘firm but fair’ approach. The appropriate use of enforcement powers, including prosecution, is important and its ultimate purpose is to:

- Ensure that responsible persons and duty holders take action to deal immediately with serious breaches of the legislation.
- Promote and achieve sustained compliance with the legislation.
- Ensure that duty holders and Responsible Persons who breach requirements, and other persons who fail in their responsibilities, may be held to account.

The Authority recognises the guidance contained within "The Regulators' Code", "The Enforcement Concordat" and the HSE "Enforcement Management Model" in reaching appropriate enforcement decisions. The Authority, through these mechanisms, will ensure that any enforcement action taken is:

- Proportional to the circumstances
- Consistent as to the actions and outcome
- Targeted at more serious risks
- Transparent to all responsible persons

We will ensure that we monitor all enforcement activity and share our experiences across the Service, the region and, where appropriate, nationally. Further information on our Inspection and Enforcement Procedures can be found on our website and are provided in this plan in Appendix 2. Where individuals are unhappy with our Protection and Enforcement role, there remains in place a route for challenges (appeals) and complaints. Information on this procedure is provided in Appendix 3.

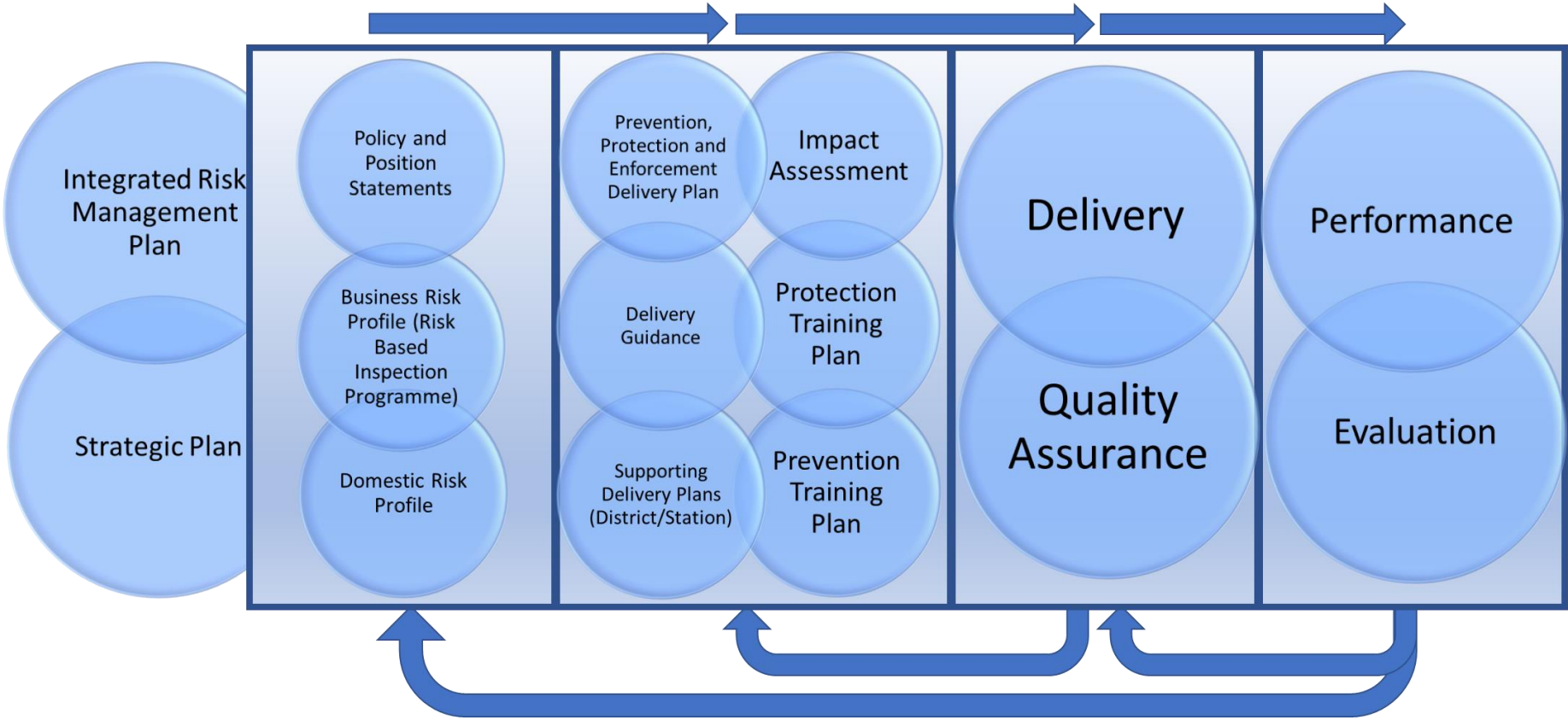
Competence of our Staff

We will embed the National Fire Chief Council (NFCC) competence framework for fire safety. We will enhance this across additional roles to maximise our capabilities into the future.

Delivery activity	Competence level (minimum)	Current staff	Further development
Non-Fire Safety Specialist	Basic knowledge of protection (internal)	On Call firefighters, crew managers and watch managers	
Non-Fire Safety Specialist	Internal protection modules development	Full-time firefighters, crew managers and watch managers	All new full-time recruits
Protection Audit (non-complex premises)	Level 3 Certificate in Fire Safety	Protection Inspectors	Full-time crew managers and watch managers
Protection Audit, short audit and consultations	Level 4 Certificate in Fire Safety (Fire Safety competent inspector)	Protection Managers and Inspectors	Selected location full-time watch managers and selected day duty watch manager roles
Protection Enforcement, audit, short audit and consultations (high risk premises – registered with professional body eg IFE)	Level 4 Diploma in Fire Safety (Fire Safety competent inspector and Fire Safety competent manager)	Protection Managers and Inspectors, full-time station managers (out of hours provision)	Full-time day duty watch managers (out of hours provision and succession planning)
Fire Engineering design technician (high risk premises - registered as an	Level 5 Diploma in Fire Engineering Design	Prosecutions Manager	Station Manager role Regional availability

Engineering Technician with the Engineering Council			
Fire Safety Engineer (high risk premises - actively working towards becoming an Incorporated or Chartered Engineer with the Engineering Council)	Level 6 Degree in Fire Safety Engineering	Prosecutions Manager	Regional availability
Senior Fire Safety Engineer (Chartered Engineer with the Engineering Council)	Level 7 Msc / MEng in Fire Safety Engineering	Prosecutions Manager	Regional availability

Appendix 1 – Our Prevention and Protection Framework



Appendix 2 – Inspection and Enforcement Procedures

We aim to carry out visits in a fair and open manner. The Inspector will explain the reason for the inspection and what to expect from the visit. The purpose of a visit is to establish if your premises are safe for persons in case of fire. We will show you evidence of our authority if you ask for it.

The responsible person has a duty to ensure the health and safety of employees and others, such as members of the public, who could be affected by the risks on the premises.

During a visit, we will try to establish whether the premises are safe in case of fire. To do this we might ask questions and ask the responsible person to provide evidence to support any answers. We will consider all of the following:

- What is being done to reduce the risk of fire
- What is being done to reduce the risk of the spread of fire
- Are there enough escape routes (corridors, stairs and doors) for people in case of fire
- What is being done to make sure that escape routes (corridors, stairs and doors) are safe to use when needed
- What is being done to detect fire and raise an alarm
- Whether people understand what to do if fire breaks out
- What is being done to safely fight outbreaks of fire
- What is being done to ensure that the effects of a fire are as small as possible

As part of the visit, we will look at the fire safety standards in all or part(s) of the building. We will consider that safety against appropriate recognised standards. We may also wish to talk to employees to confirm their level of fire safety awareness.

The following information is provided to advise of an inspector's powers, and to explain any enforcement action Humberside Fire Authority may take to rectify any fire safety matters.

Summary of Powers

An Inspector appointed by the Humberside Fire Authority, and in possession of a written warrant, has powers under the following legislation:

- Regulatory Reform (Fire Safety) Order 2005
- Health and Safety at Work etc. Act 1974 (HASWA). Sections 19, 20, 21, 23 and 25 of the Construction (Health, Safety and Welfare) Regulations made under HASWA.
- Regulations made under the above Acts.

Regulatory Reform (Fire Safety) Order 2005 - Article 27

An Inspector may do anything necessary for the purpose of carrying this Order into effect and, without prejudice to the generality of these powers, in particular shall have the power to do, at any reasonable time, the following:

- a. to enter any premises and to inspect the whole or part of the premises and anything in them;
- b. to make such enquiry as may be necessary to ascertain whether the provisions of this order have been complied with and to identify the responsible person in relation to the premises;
- c. to require the production of any records, and to take copies of any entry in the records, which are required under any provision of the Order or for the purposes of examination;
- d. to require any person to give such facilities and assistance to enable the Inspector to exercise the powers conferred by the Order;
- e. to take samples of any articles or substances found on the premises for the purposes of ascertaining their fire resistance or flammability; and
- f. in the case of any article or substance, to cause it to be dismantled or subjected to any process or test.

ENFORCEMENT OUTCOMES

Where a fire safety audit has been carried out, the inspector will use a nationally agreed audit form to arrive at an outcome. That outcome is set against benchmarks, which are based on a building's passive and active fire safety measures plus an expectation of the level of fire safety management. Where there is a failure to provide safety in case of fire, the inspector will decide what action to take. The action will depend on either; the audit form's outcome or (in the case where an audit is not carried out) the level of the fire safety failure relative to the risk to persons in case of fire. Inspectors will address any failures to provide safety in case of fire by either non-statutory letter (informal) or by way of a statutory Notice (formal).

INFORMAL LETTERS

Letter of Fire Safety Matters / Action Plan

Where the outcome of the evaluation of fire safety on the premises, shows there are matters that need addressing to make the premises safer, the inspector will provide the responsible person or duty holder with a schedule of work to be done.

The purpose of the schedule is to focus on safety by identifying the failure to provide safety and the risk posed to relevant persons by that failure. The risk to people in case of fire is the basis for making requirements. If no one is at risk, there should be no requirements. We will provide a remedy to rectify any identified failure. The responsible person will also be given an opportunity to offer alternative solutions to remedy the failures, which could then result in an agreed action plan. We may also identify a time scale for completion of the work; whether a revisit is required, and if you wish to, how to challenge or appeal our decisions (Challenges (Appeals) and Complaints procedure).

Further recommendations may be offered to assist the responsible person in making the premises safer.

FORMAL NOTICES

Alterations Notice

An Alterations Notice is a means of Humberside Fire Authority ensuring communication from the duty holder, where a reasonably foreseeable change to the premises (or the use of them) could result in a significant increase in risk to persons in case of fire.

Although an Alterations Notice is statutory, it is not punitive and there is no 'action' or 'work' required within the notice; only that the duty holder must notify the enforcing authority ahead of making any of the specified changes below (which might increase the risk to people in case of fire). The changes referred to are:

- 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.
- a change to the use of the premises.

It is an offence for the duty holder not to comply with the requirements of an Alterations Notice. Failure to comply means to fail to contact the enforcing authority, before making the specified changes to the premises (or the use of them).

As an example, where the means of escape from the top floor of a building is inadequate, but the occupier is not using that floor. To ensure, before using that floor the duty holder consults with Humberside Fire Authority (to ensure their plans are suitable for the safety of persons in case of fire), an Alteration Notice may be issued.

Enforcement Notices

Where the outcome of the evaluation of fire safety on the premises, shows there are matters that indicate a serious risk to persons' safety in case of fire, and the inspector is of the opinion that improvements in safety in case of fire will not be realised, without the added weight of statutory enforcement. An Enforcement Notice will be issued, and the inspector will provide the responsible person or duty holder with a schedule of work to be done to make the premises safer. An Enforcement Notice is statutory, and it is a criminal offence to fail to comply with the requirements of an Enforcement Notice. The serious nature of an Enforcement Notice needs a follow-up visit, to ensure the completion of the required work and that the duty holder has provided safety in case of fire. The notice will clearly indicate the date for the work to be completed by.

The Regulatory Reform (Fire Safety) Order 2005 makes provision for enforcing authorities to extend and further extend the time specified in an Enforcement Notice. The duty holder can apply (in writing) for more time to complete work required of them.

Humberside Fire Authority may agree extensions of time, only when progress against the actions can be demonstrated, together with a reasonable rationale of why the actions cannot be completed within the given timescales. Humberside Fire Authority will give no more than two extensions of time to comply with an enforcement notice.

Prohibition Notice

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

When the requirements of the notice have been complied with, the use of premises can resume. However, since the notice is still in force, if the measures are insufficient, a criminal offence will have been committed. We therefore recommend that the responsible person contacts Humberside Fire Authority to check prior to resuming. The Authority may make unannounced visits to check compliance with the Notice.

Notice under Regulatory Reform (Fire Safety) Order 2005 - Article 37 (Fire-Fighters' Switches for Luminous Tube Signs)

Humberside Fire Authority may serve a Notice of requirements on the responsible person, (relating to the position, colour and marking of the cut-off switch) where relevant apparatus has been installed or is proposed at the premises.

Legal enforcement

Humberside Fire Authority may consider prosecution where, there is failure to comply with the fire safety duties imposed by the Regulatory Reform (Fire Safety) Order 2005 and that failure has put people at serious risk in case of fire. They may also consider prosecution if there has been a failure to comply with any requirement or restriction imposed by a formal notice.

Penalties

Failure to comply with the fire safety duties imposed by Regulatory Reform (Fire Safety) Order 2005 or with any requirement or restriction imposed by a formal notice, is a criminal offence. 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, or to 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 given by the Authority under Article 37 (Fire-fighters' switches for luminous tube signs) is served may, within 21 days from which the Notice is served, appeal by way of complaint for an order to a magistrates' court. The logging of an appeal does not remove or withdraw a served notice.

Withdrawals

Humberside Fire Authority may withdraw a notice at any time, following appeal or completion of the work required to make the premises safer in case of fire.

Public Register

In order to satisfy the “ Environment and Safety Information Act 1988” Humberside Fire Authority is obliged to enter details of certain notices called “relevant notices” (which will be identified by the inspector serving the notice), into a register which the public have access to.

“Relevant notices” are those which impose requirements or conditions not solely for the protection of persons at work. 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, withdrawn or amended a further entry will be made in the register within 7 days to show this.

If you think that the entry for this notice would disclose commercially sensitive information you should give written notice to Humberside Fire Authority within 14 days, they in turn will 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.

Public Availability of Information

Under the Code of Practice on Access to Government Information Humberside Fire Authority is committed to make available on written request, information about its actions and decisions, which includes information about notices it has issued. In general, the information that the Fire Authority will make available about a notice is the information on the front page. Information on a notice will not be made available until the right of appeal against the content of a notice has expired with no appeal having been lodged, or the appeal has been disposed of. Where an inspector is satisfied that a notice has been complied with, this information will be made available at the same time as the information on the front page. If you think that the information in the notice would disclose commercially confidential information you should contact the Fire Authority within 14 days who in turn will redraft the information in a way it believes will not reveal the confidential matter. In the meantime, the only information to be made available will be your name, address, any place involved and the relevant legal provisions. If you are not satisfied with the redrafted information, there is no further appeal. However, the Fire & Rescue Authority will make every reasonable effort to agree a form of words that is acceptable to you. For the avoidance of doubt, where the publicising of a notice is appropriate to further the safety of persons, the details in the previous paragraph, about making available information regarding a notice will not apply. An example of circumstances where information may be given out directly when the notice is served is where the notice prohibits the use of sleeping accommodation. Tenants, or other persons, who use this prohibited accommodation may be informed immediately by the Fire Authority.

Appendix 3 - Challenges (Appeals) and Complaints

We will deliver an efficient and professional service; and while we aim to carry out all of our activities in a way that supports you to provide safety to people in case of fire, we will also help you if you encounter problems or if we get it wrong. We are always willing to discuss why we have acted in a particular way or made particular requirements. If you think we have (in some way) got it wrong for you, we would like to know. There are two ways you could be unhappy with us helping you to be safe in case of fire; either

- a. you don't think that the safety measures that we have suggested are the right solution for you and you want to challenge them, or
- b. you don't think that we have treated you in an appropriate way, according to our published service standards and you want to complain

Statutory notices

Where you have been issued with a statutory notice, you can challenge our decisions by following the route to appeal described in the notice. Statutory notices under the Regulatory Reform (Fire Safety) Order 2005 [the Order] include:

- Alterations notices
- Enforcement notices
- Prohibition notices

Statutory notices under the Health and Safety at Work etc. Act 1974 include:

- Improvement notices
- Prohibition notices

An appeal must be made within a prescribed time limit, usually within 21 days from the day on which the notice was served. If you are involved in a Primary Authority partnership and we think a statutory notice is appropriate, we will follow the guidance provided for us under Primary Authority.

Determinations by the Secretary of State

The Order also provides a route to resolve disputes by referral for determination by the Secretary of State. To bring a dispute to determination, a number of conditions must be met. The conditions for the bringing of a determination are:

- a. the parties are agreed that there has been a failure to comply with the Order;
- b. there is disagreement between parties about how to rectify the failure; and
- c. the parties agree to take the matter to determination.

If any of these conditions are not met, the dispute is not suitable for a determination.

Challenging other advice, actions or decisions

We are always willing to discuss with you why we have acted in a particular way or made particular requirements of you.

In cases other than statutory notices, you can challenge our advice, actions or decisions by following the route to appeal described in the letter, usually by contacting the officer concerned. If your concerns are not adequately addressed your concern can be raised with a senior Protection manager. If you are unclear or unhappy about any of our advice or decisions and you are involved in a partnership under the Primary Authority scheme, you should contact your primary authority who can take up the matter on your behalf. When we are not able to resolve your issues, you can make use of our complaint procedures on our website. If, having used our complaint process, you are still not satisfied you can contact the Local Government Ombudsman (LGO) who may be able to help. It is a free service.

Complaining about our service

If you have a complaint, the first thing to do is to let us know that you are unhappy by contacting the officer concerned. In most cases, we will be able to address your dissatisfaction so that you don't feel that you need to take it further. If you do, we manage complaints about our service through our complaint procedures. For further information visit our website or telephone 01482 565333. If you are still not satisfied at the end of that process, we will encourage you to contact the Ombudsman and to seek their assistance in the resolution of your concern.

Review

The delivery, monitoring and review of the Enforcement Plan will be the responsibility of the appropriate Director and will be informed by the success measures/performance framework outlined in the Prevention and Protection Delivery Plan, as well as any Challenges (Appeals) and Complaints received. The Plan is for a three-year period and will be reviewed annually to ensure that it continues to deliver our protection and enforcement role in the most effective way.