

# London Fire Commissioner

## Enforcement Policy Statement

### Introduction

1. The London Fire Commissioner ("the Commissioner") is the fire and rescue authority for London, operating as London Fire Brigade ("the Brigade"). The principal aim of the Commissioner is to make London a safer city by reducing as far as possible the risks and social and economic costs of fires and other dangers. Securing compliance with legal regulatory requirements is an important part of achieving this aim. Our vision is to be a dynamic forward looking organisation of fully engaged people at the centre of the communities we serve, adapting to the changing needs of London.
2. The Brigade is committed to providing a consistently high quality service to the public including the commercial, business, housing and voluntary sectors in relation to appropriate legislation we enforce and the advice we give. In seeking to achieve this aim, including the development and ongoing review of this policy, the Brigade has regard to the requirements and recommendations of the laws and codes of practice and guidance explained in this statement.
3. This policy statement sets out the policy and principles which the Brigade will follow in carrying out its regulatory functions. It provides guidance for inspectors, businesses and members of the public. It is intended, together with the Brigade's service standards, to clearly set out the aims, standards and values that officers are expected to apply.
4. This statement is applicable to the Brigade's enforcement in Greater London of legislation including:
  - The Regulatory Reform (Fire Safety) Order 2005 (as amended), hereafter referenced as 'The Order';
  - Fire Precautions (Sub-surface Railway Stations) (England) Regulations 2009.
  - The Petroleum (Consolidation) Regulations 2014;
  - The Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR); and
  - The Construction (Design and Management) Regulations 2015
  - The Greater London Council (General Powers) Act 1968 (as amended);
  - The Public Health Act 1961.
5. This statement is also applicable to the giving of fire safety advice to regulated entities in accordance with section 6 of the Fire and Rescue Services Act 2004; the exercise of the Brigade's powers to investigate the cause and reason for spread of fire under section 44 and 45 of the Fire and Rescue Services Act 2004; and to the operation of Primary Authority Partnerships under the Regulatory Enforcement and Sanctions Act 2008.
6. This statement is supplemented by the Brigade's service standards for enforcement together with the Brigade's Equalities statement; accessibility statement; and complaints procedure. These are published on the London Fire Brigade web-site at <http://www.london-fire.gov.uk/>.

## **The Brigade's approach to enforcement**

7. The Brigade believes in firm but fair enforcement of fire safety law. In carrying out enforcement functions it aims to:
  - prioritise its inspection and enforcement action based on risk;
  - apply the principles of proportionality in applying the law and securing compliance;
  - be consistent in its approach;
  - be transparent about how it operates and what can be expected by those it regulates;
  - be fair and objective in its application of enforcement action and comply with all duties under the Equalities Act 2010;
  - encourage and promote compliance and try to minimise the negative impact of its regulatory activities;
  - use statutory powers to take formal enforcement action only where it is justified on the basis of risk or significant or repeated non-compliance with the law;
  - offer the opportunity for the person against whom formal enforcement action is to be taken to discuss the circumstances of the case and, if possible, resolve points of difference (unless immediate action is needed to protect life);
  - be accountable for its actions.
8. The Commissioner is committed to compliance with the law at premises we operate. It will carry out inspections of its premises to ensure it is complying with the law and report any deficiencies found through its management structure, for remedial action to be taken.
9. In the event of an incident that relates to legislation the Brigade enforces occurring at its own premises and giving rise to death or injury we will appoint another authority (which may include the Health and Safety Executive) to investigate.

## **Our officers**

10. All officers exercising enforcement functions will carry official identification provided by the Brigade and produce it upon request.
11. All officers undertaking enforcement activities will be competent for the role. The Brigade will provide initial and ongoing training and professional development appropriate to each officer's role and will keep officers' competence under review.
12. Brigade officers will:
  - act in accordance with this statement, our service standards and other relevant policies and statements;
  - seek to constantly improve the effectiveness of our service;
  - seek to work with officers from other authorities where our enforcement responsibilities overlap in order to minimise the burdens of our activities on those we regulate;
  - treat those we regulate in a polite and respectful way;
  - work to increase trust and confidence with all stakeholder groups we engage with.

13. When carrying out enforcement functions, Brigade officers have the legal power to pursue all reasonable and necessary lines of enquiry utilising all and any data and information sources that are lawfully available to:
  - ascertain whether the law applies in any particular circumstances;
  - identify and locate people with responsibilities under the law;
  - ascertain whether the law is being complied with.
14. Brigade officers have the right not to be subject to assault, abuse or intimidation and we will investigate any instances where this occurs and where appropriate refer the matter to the police.

### **Attendance at premises**

15. Attendance at premises for regulatory purposes will be made on the basis of assessment of risk in accordance with the policies, objectives and methodologies of the Brigade. That may include:
  - Historic regulatory compliance data for the premises and/or the premises operator/owner;
  - Assessment of compliance data for that business sector as a whole;
  - Ongoing fire data on a local and national basis;
  - Local intelligence;
  - Intelligence supplied by other regulatory bodies.
16. Brigade officers will attend premises in relation to the Brigade's statutory functions. Reactive visits include:
  - In response to / following a fire or other emergency;
  - In response to an allegation of fire risk received by the Brigade;
  - In consequence of a statutory consultation request;
  - At the request of another regulatory body;
  - Following receipt of notification of changes as required by an 'alterations notice';
  - Following repeated false alarms of fire; or
  - similar circumstances;
17. The Brigade will act in accordance with any inspection programme determined and notified by a Primary Authority Partner for a regulated entity.
18. Where other enforcing authorities have a regulatory interest in a particular premises, details will be forwarded to the appropriate agency (for example, if apparently dangerous conditions or practices not related to fire are noted in a workplace). The Brigade may share data and intelligence gained from its regulatory fire safety and other activities with other regulators to the full extent allowed by law. Referral to another agency may be in addition to action taken by the Brigade.
19. Where another regulator has responsibilities or power in respect of the same matters as the Brigade (particularly if those powers extend to parts of the premises the Brigade does not regulate) the matter may be referred to that regulator to take appropriate action. The Brigade's findings will be passed to that regulator to assist them.

## **Requesting information from businesses and other undertakings**

20. The Brigade will continue to work with other enforcing authorities, regulated entities and others in order to avoid duplication of collection of information from regulated entities and to seek and implement ways of:
- Varying data requests according to risk;
  - Limiting collection to specific regulated entities sectors/sub-sectors;
  - Reducing the frequency of data collection;
  - Obtaining data from other sources and sharing data with other authorities;
  - Allowing electronic submission; and
  - Only requesting data which is justified by risk assessment
21. When determining data that may be required from regulated entities the Brigade will consider the costs and benefits of such requests to regulated entities in order to avoid, so far as is reasonably practicable, requesting data that is not required to demonstrate compliance with the law or the person who is responsible under the law.

## **Determining the level of Enforcement**

22. The Brigade believes in firm but fair enforcement of the law. In determining the level of enforcement action to take, it will use recognised risk assessment methodology and will consider the following:
- The nature and seriousness of any alleged breaches; breaches that are deliberate, persistent, discriminatory or for financial gain are likely to be regarded as more serious;
  - The degree and likelihood of harm risked, and any harm actually caused The views of any person (or the family of any person) who has been harmed as a result of or in connection with the breaches might be relevant to this factor;
  - Previous experience and record of compliance of the responsible persons with fire safety and other health and safety requirements;
  - Action taken to prevent any recurrence;
  - Any explanation offered and the circumstances and attitude of the responsible person towards fire safety;
  - Any statutory defence available.
  - The likely effectiveness of the enforcement options in securing ongoing compliance with fire safety requirements;
  - The advice or views (where applicable) of other regulatory bodies with responsibilities in respect of the premises;
  - Any action being taken by other regulatory bodies;
  - Where applicable, the views of any Primary Authority Partner for the business.
23. Where LFC is the Primary Authority the Brigade will deal with enforcement actions from other enforcing authorities in accordance with timescales laid down in the Regulatory and Enforcement Sanctions Act 2008.

24. The Brigade may take multiple enforcement actions for the same premises e.g. serve an Enforcement Notice to require positive remedial steps, serve a Prohibition Notice to prevent uses creating the most serious risks and to prosecute for the underlying breaches of the law where the evidential and public interest tests are satisfied. Additionally, the Brigade may take different approaches to different breaches at the same premises/undertaking where that reflects the different risks associated with those different breaches.
25. The Brigade does not accept voluntary undertakings in any case where the level of risk to life is sufficient to justify service of an enforcement, improvement or prohibition notice.
26. Where remedial action is required and that action requires the approval of another regulatory body, the Brigade will consult with that body unless in the circumstances of the case it is impractical to do so. Any consultation the Brigade undertakes will not remove any requirement for the responsible person for the premises to obtain any necessary permissions or approvals from the relevant bodies. Any failure on the part of the Brigade to consult will not invalidate a notice.
27. To assist with consistency of enforcement Primary Authorities can give Primary advice which cannot be challenged by another Enforcing Authority.
28. Potential enforcement options are addressed below.

### **Educate and inform**

29. When a breach of the law is found but the level of risk is not high, oral or written advice about the nature of the non-compliance and the actions needed to remedy it may be given. The Brigade will be clear whether the remedial actions are required for regulatory compliance or constitute good practice beyond minimum regulated standards.

### **Non-Statutory Notification of deficiencies**

30. The Brigade will write formally to the person responsible for the premises or any person with duties in respect of the premises to explain fire safety deficiencies that have been found and what needs to be done to address those deficiencies. The Notification does not have legal force and is not binding. The Brigade will expect the responsible person to act on the advice given. However, if the risk score calculated following an audit was close to that where an enforcement notice would have been served or officers have doubts that the responsible person will act on the letter, they have discretion to revisit to check what has been done. If the recipient of the Notification of Deficiencies does not take action, this will be taken into account as evidence of that persons attitude to safety and regulatory compliance when considering the level of enforcement action that will be taken if fire safety deficiencies are found on a future visit.

### **Statutory Notices Requiring Remedial Action**

31. Formal notices calling for corrective action are generally be used where there is a clear breach of the law; where the degree of risk or harm from the situation is significant; and where a remedy needs to be identified and secured within a set period of time. Examples include Enforcement Notices under Article 30 of The Order and Improvement Notices under regulations made under the Health & Safety at Work Act 1974 such as the petroleum regulations. Notices specify the problem and will either require a remedy as determined by officers or (if the legislation allows) may allow for other action with an equivalent remedial effect. These notices are legally binding on the recipient and non-compliance can result in further enforcement action including prosecution. In

most cases there is a right of appeal against a notice. Where there is a right of appeal, advice on the appeal mechanism will be set out in writing to the person on whom the notice is served.

32. Where a notice requires changes to a premises in which another enforcing body has a statutory interest, the Brigade will, so far as is reasonably practicable, consult with such bodies as can reasonably be identified before serving the notice. Any such consultation will not release the person on whom the notice is served from their statutory obligation to consult relevant bodies in respect of works they will undertake as a result of a notice. Any failure by the Brigade to consult with any particular body or person will not invalidate any notice served under The Order.

### **Alterations notice**

33. Alterations notices are used where by the nature of the use of premises person are at risk of death or serious injury (i.e. the premises use is high risk and this is normal for the type of activity carried on there); or a change to premises, their use, furniture, fittings or equipment; an increase in quantities of dangerous substances could result in persons being placed at risk of death or serious injury.
34. The notice is legally binding and requires that the fire risk assessment for the premises and fire safety records must be recorded. The notice may require that before any changes are made a copy of that fire risk assessment together with details of the proposed changes must be submitted to the Brigade. There are rights of appeal against the notice and these will clearly set out in writing at the time the notice is served.

### **Prohibition notices**

35. The Brigade has powers under Article 31 of The Order and Sections 21 and 22 of the Health and Safety at Work etc. Act 1974 to prohibit the use of the whole or part of premises or to restrict the use of premises. Such action will be considered where conditions are found that constitute a serious risk to life or injury to persons in the event of fire. Where immediate action is necessary an explanation of why such action is required will be given at the time and confirmed in writing. Where there are rights of appeal these will be clearly set out in writing at the time the action is taken.

### **Simple caution (often known as a formal caution)**

36. The Brigade will consider accepting a simple caution in circumstances where one or more criminal offences have been committed and:
  - there is sufficient evidence to prove the case; and
  - the offender has admitted the offence; and
  - the offender has agreed to be cautioned; and
  - the offence has not been committed by the offender before and
37. The Brigade will have regard to the factors in paragraph 22 when considering whether a simple caution is appropriate.
38. Where a caution is considered, the offender will be given a full explanation in writing of the significance of the caution before being allowed to accept it as a formal caution is an admission of guilt to a criminal offence and is recorded as such. It may be cited if the offender is later

prosecuted for an offence. If a caution were to be offered and refused by the offender then a prosecution would be considered.

### **Prosecution**

39. The decision to prosecute is a serious step. Fair and effective prosecution forms a legitimate element of the Brigade's strategy to reduce the risk of death and injury by enforcing fire safety law. Any prosecution has serious implications for all involved – including the person prosecuted, casualties, witnesses and the Brigade's officers. The Brigade will apply the guidance set out below so that fair and consistent decisions about prosecutions can be made.
40. The Brigade will use its discretion in deciding whether to bring a prosecution.
41. The decision to prosecute (including the giving of a simple caution) will be taken by the General Counsel to the London Fire Commissioner, or a senior legal colleague, in consultation with the Assistant Commissioner (Fire Safety) or a senior colleague.

### **Who can be prosecuted**

42. The Brigade will ensure that the correct individual and/or organisation is prosecuted for the correct offence/s. Where a company is involved, usually the Company will be prosecuted where the offence resulted from the company's activities. However, the Commissioner will consider any part played in the offence by the officers of the company: including Directors, Managers and the Company Secretary. Action may be considered against staff, contractors or any other person with fire safety duties (as well as or instead of the company) where it can be shown that the offence was attributable to neglect or other failings or actions on their part.

### **The test for prosecution**

43. The decision whether or not to prosecute will be made in accordance with the Director of Public Prosecution's Code for Crown Prosecutors. Therefore no prosecution may go ahead unless the Brigade finds there is sufficient evidence to provide a realistic prospect of conviction and decides that prosecution would be in the public interest. When considering whether prosecution is in the public interest the Brigade will consider any relevant factors set down by the Director of Public Prosecutions in the Code for Crown Prosecutors and in particular the factors in paragraph 22 above noting that these factors are not exhaustive and those which apply will depend on the particular circumstances of each case. Deciding on the public interest is not simply a matter of adding up the number of factors for and against prosecution. Each applicable factor must be considered and given appropriate weight according to the circumstances of the case. The Brigade will decide how important each factor is in the circumstances of each case before making an overall assessment.
44. The Brigade may also prosecute, whatever level of enforcement action is taken in the substantive enforcement case, where there is sufficient evidence and it is in the public interest and there has been either:
  - Failure to supply information without reasonable excuse or knowingly or recklessly supplying false or misleading information. It is essential that lawful requests for information by Brigade officers are complied with and that accurate information is always supplied to enable informed regulation to be exercised;
  - Obstruction of officers in carrying out their powers. The Brigade regards the obstruction of, or assaults on, its officers while lawfully carrying out their duties as a serious matter.

## **Consequential Orders**

45. The Brigade will always seek to recover its costs of investigation and court proceedings. The Brigade will also encourage the criminal courts to use their full range of sentencing powers as appropriate to the case e.g. confiscation and/or compensation orders

## **Making decisions of the level of enforcement action to be applied**

46. Officers will apply a level of enforcement (including consideration of timescale within which compliance should be achieved) that is proportionate to the circumstances of the case taking into account the nature and size of the undertaking concerned.
47. All staff that take enforcement decisions will be required to follow the principles and guidance in the 'Enforcement Management Model' (EMM) issued by the Health and Safety Commission as adjusted for use by Fire and Rescue Authorities by the National Fire Chiefs' Council.
48. Officers will be fair, independent and objective when considering enforcement action.
49. We will identify the persons responsible for compliance and direct our enforcement action to them. The taking of all formal enforcement action and proposals to vary levels of enforcement action will be reviewed and authorised by a senior officer to ensure, so far as reasonably practicable, that all actions are proportionate to the risk to life and impose the minimum burden necessary to secure reasonable compliance with the law. Preservation of life and avoidance of injury will however always be the Brigade's principal objective.
50. In each case where advice, guidance or instruction is given the officer doing so will explain (orally or in the written documents as appropriate) what the non-compliance is; why in the opinion of the Brigade there is non-compliance; and what needs to be done to remedy the non-compliance.
51. Where those we regulate approach us for advice about non-compliance in their premises and in doing so show willingness to rectify that non-compliance in a timescale proportionate to the level of risk we will generally not take formal enforcement action unless in the professional judgement of the Brigade's fire safety officers it is necessary to do so to protect life.
52. In the interests of certainty, normally if the Brigade decides not to bring a prosecution in a case then that decision will be final. However there are circumstances where in accordance with the Code for Crown Prosecutors that decision will be reviewed and a prosecution started or continued. The CPS Victims' Right to Review Scheme does not apply to the Brigade's prosecution decisions. However the Brigade will arrange a review of any decision not to prosecute if one is requested by any person (or if appropriate the family of any person) who has suffered harm as a result of or in connection with the contraventions. This may result in the decision not to prosecute being overturned.
53. The Commissioner is a Public Authority for the purposes of the Human Rights Act 1998; it will apply the principles of the European Convention on Human Rights in accordance with the Act, as it does in all of its enforcement activity.

## **Investigation of offences**

54. All investigations will be carried out under the following legislation or such other legislation as will from time to time replace or supplement it and with due regard to any associated guidance or codes of practice, in so far as they relate to the Commissioner:



- the Police and Criminal Evidence Act 1984
- the Criminal Procedure and Investigations Act 1996
- the Regulation of Investigatory Powers Act 2000
- the Human Rights Act 1998
- the current Criminal Procedure Rules .

55. These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

56. Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.

### **Our powers**

57. Fire Safety Officers exercise their powers as inspectors to obtain relevant information under Article 27 of The Order;

58. Petroleum Inspectors will exercise their powers to obtain relevant information under and sections 20 and 21 of the Health and Safety at Work etc. Act 1974.

59. Fire investigators will exercise their powers under sections 44 and 45 of the Fire and Rescue Services Act 2004.

60. Where other information gathering powers are relied on this will be made clear to the person from who information is requested.

61. Fire safety officers, petroleum inspectors and fire investigators (the latter when exercising our powers to investigate the causes and /or spread of fire) may:

- enter premises (without use of force)
- require fire safety records to be produced and to inspect them
- examine, measure, test and where necessary dismantle articles items, equipment machinery and plant (where relevant to safety);
- take samples;
- seize and destroy any substance identified as hazardous;
- require people to respond to reasonable enquiries.

62. In addition fire investigators may:

- Apply for a warrant from a Justice of the Peace to enter premises by force
- take possession of an article or substance found on the premises and detain it for as long as is necessary for any of these purposes:
  - (i) to examine, measure or test it (including to dismantle it for that purpose) ;
  - (ii) to ensure that it is not tampered with before examination of it is completed;
  - (iii) to ensure that it is available for use as evidence in proceedings for an offence relevant to the investigation;

- require a person present on the premises to provide him/her with any facilities, information, documents or records, or other assistance, that he/she may reasonably request.
63. Petroleum inspectors may require a written statement from a person (but any such statement cannot be used in criminal proceedings against that person).
64. Obstructing a duly appointed fire inspector or petroleum inspector in the course of their duties is a criminal offence under Article 32 of The Order and section 33 of the Health and Safety at Work etc. Act 1974. Failure to comply with the reasonable request of an inspector is also an offence under this legislation and may lead to prosecution.

### **Conduct of investigations**

65. Decisions on the need to conduct an investigation will be taken in discussion with the Head of Regulatory Enforcement (or nominated deputy) and an investigator assigned to the case.
66. Where investigations are conducted, the Commissioner will prioritise use of resources in favour of cases where fatalities or serious physical injuries have occurred.
67. Officers will utilise all sources lawfully available to explore reasonable lines of enquiry relating to the premises, persons or entities under investigation. This may include (but is not limited to) obtaining or conducting:
- company documents from national registries;
  - property documents from the Land Registry ;
  - internet based research (including social media) into companies and individuals;
  - information from credit reference agencies and similar bodies;
  - information from other regulatory or law enforcement bodies including the police, Her Majesty's Revenue and Customs, the Border Force, the Health and Safety Executive, local authorities
  - Information from other third parties.
68. All individuals and organisations that are under investigation by the Brigade will be notified in writing that they are under investigation unless, in the opinion of the Brigade to do so may prejudice the investigation or otherwise compromise the conduct of the Brigade's enforcement functions. Such circumstances may include avoiding:
- intimidation of witnesses;
  - evidence being destroyed or tampered with prior to examination;
  - interference with the carrying out of wider investigations into other premises;
  - disclosing the means of undertaking investigations in a way that would assist people avoid detection of offences or the persons(s) responsible.
69. Persons that have been notified that they are under investigation, witnesses and the victims of fire incidents (or their surviving family) will be kept informed of the progress of the investigation unless to do so may, in the opinion of the Brigade prejudice the investigation or otherwise compromise the conduct of the Brigade's enforcement functions.

70. Where substances or articles are to be removed from premises by an officer in the exercise of their power, the officers will do so in accordance with Code B to the Police and Criminal Evidence Act 1984 (PACE).
71. Statements from witnesses will be taken in accordance with the Criminal Justice Act 1967 and the Criminal Procedure Rules.
72. People under investigation (including companies and other undertakings) will usually be offered the opportunity to attend an interview under caution to give their version of events and to offer any explanation that they may wish to. However, for some offences investigated this may not be necessary if the Brigade is satisfied it already holds enough evidence to take a decision on prosecution and that an interview would not be a reasonable line of enquiry.
73. Other than where a person makes admissions about involvement in possible offences, is cautioned on site and a record is made of the subsequent conversation or questioning (in accordance with PACE Code B). Interviews under caution will be conducted at London Fire Brigade premises and will be recorded unless the circumstances of the case make this impractical. Interviews will be conducted in accordance with PACE Code C.
74. Persons attending interviews under caution at Brigade premises will not be under arrest and will be entitled to legal representation at their own cost. This will not apply in joint investigations where the police or similar bodies may have exercised power of arrest, in which case the provisions applicable to that body's conduct of interviews will apply. People attending interviews will be informed of their rights in the letter inviting them to attend and again at interview if they attend.
75. Offences that the Brigade investigates are divided into two categories:
  - Summary offences (which are heard in magistrates courts); and
  - 'Either way' offences (which may be heard in either magistrates or Crown Court).
76. For summary offences, investigations must be concluded and, where a decision to prosecute is taken, proceedings must be started within six months of the commission of the offence. This does not apply to 'either way' offences for which there is no time limit.
77. Progress on cases will be monitored by the Area Fire Safety Manager and the Head of Regulatory Fire Safety Enforcement. Cases will be monitored throughout their lifetime and may be discontinued by the Head of Regulatory Head of Enforcement or the Assistant Commissioner where there is insufficient evidence to proceed or it is not in the Public Interest to proceed. A sample of cases will be subject to review by the Head of Regulatory Fire Safety Enforcement (or an appointed officer) and a legal officer, regardless of whether a decision is taken to prosecute. The lessons learned from any such review will be used to inform the conduct of future investigations.

#### **Publicity about enforcement action taken**

78. Details of all notices served under The Order, and the Health and Safety at Work etc. Act 1974 will be placed on the Brigade's public register, in accordance with the Environment and Safety Information Act 1988, 28 days after issue service of the notice. The register will be updated to show whether a notice has been complied with or an extension of time to comply has been granted.

79. The Brigade's public register can be viewed on the London Fire Brigade web-site. Details of notices will also be placed on any national database maintained by the National Fire Chiefs Council.
80. The person on whom a notice has been served may apply to have elements of the public register entry removed or redacted where the entry may allow other to identify trade secrets.
81. The Brigade will seek to publicise the results of successful prosecutions as a deterrent to others and to encourage compliance with the law. In doing so we may use photographs and similar material taken at the premises by our officers or which have been supplied to us, whether or not they were presented in evidence.
82. The Brigade will make available to the Greater London Authority (GLA) details of notices served and prosecutions taken in respect of private landlords or their agents for inclusion on that Authority's rogue landlord checker to such extent as is agreed between the Brigade and the GLA from time to time. The Brigade may also make details of prosecutions taken and notices served available to government departments, agencies and bodies appointed by them for the purpose of any public register they may choose to publish or for statistical or research purposes. Specific policy in regard to this has been issued and is available on the London Fire Brigade website.

### **Appeals**

83. Following service of any kind of enforcement action our officers will, on request, consider any representations that the person the notice was served on may wish to make. The Brigade regards such representations as an informal internal appeal. Such representations will usually be considered by the local Team Leader (for fire safety) or the Petroleum Team Leader. It nevertheless remains the responsibility of the person on whom a notice has been served to make any legal appeal within any statutory timescale.

### **Complaints**

84. Regulators are accountable to the public for their actions. This means that enforcing authorities must have policies and standards against which they can be judged (such as those outlined in this Policy Statement), and an effective and easily accessible mechanism for dealing with comments and handling complaints. The Brigade's "Compliments and Complaints procedure" is explained fully on our website <http://www.london-fire.gov.uk>. Having a published and publicised procedure helps demonstrate to the public that the Brigade takes their comments seriously. These comments can help highlight potential problems and help the Brigade to build on the things that it does well.

### **Review of this Enforcement Policy Statement**

85. The Brigade's officers will review this policy after 4 years and on earlier occasions where circumstances suggest review might be appropriate.

APPROVED DATE: 15 October 2020 by Andy Roe, London Fire Commissioner