

Public Document Pack

SUPPLEMENTARY INFORMATION

LICENSING SUB-COMMITTEE – 27TH MARCH 2018

AGENDA ITEM 9 – Application for the grant of a premises licence for Freedom Mills, Unit 47, Washington Street, Kirkstall, Leeds, LS3 1JQ

ADENDA ITEM 10 – Temporary event notice for Freedom Mills, Unit 47, Washington Street, Kirkstall, Leeds, LS3 1JQ

This page is intentionally left blank

West Yorkshire Fire & Rescue
Prohibition Notice



West Yorkshire
Fire & Rescue Service

CFOA007b

Ref: 142411

Date: 8 March 2018

Mr Joshua Threlfall
Freedom Mills Limited
Freedom Mills Unit 47
Washington Street
Leeds
LS3 1JQ

West Yorkshire Fire & Rescue Service
Fire Protection
Service Delivery Centre
Oakroyd Hall
Birkenshaw
BD11 2DY

Officer dealing: James Gail

URGENT ACTION REQUIRED

Dear Sir

Prohibition Notice

The Regulatory Reform (Fire Safety) Order 2005: Article 31

Premises: Freedom Mills Washington Street Kirkstall Leeds LS3 1JQ

Responsible Person: Freedom Mills Limited

This is a relevant notice for the purpose of the Environment & Safety Information Act 1988

The enclosed Prohibition Notice served on your premises on 8 March 2018 requires your immediate attention.

The West Yorkshire Fire and Rescue Authority is of the opinion that the risk to people in case of fire in the premises is so high that the use of the premises must be restricted.

Failure to comply with a prohibition notice is an offence.

The Authority may prosecute anyone failing to comply with the restriction notice; including anyone using the premises in the manner to which this notice relates.

Note: During the above works and until such time as the restriction notice is withdrawn the duties specified below shall be acted upon.

Only the minimum number of workers necessary shall be employed.
Additional training and information shall be provided to those completing the

Making West Yorkshire Safer
www.westyorksfire.gov.uk

works in the potential dangers present.

All workers to be instructed as to the escape routes available.

Complete a risk assessment of the necessary works and how they are to be completed.

Consider temporary means of raising the alarm by automatic means.

Ensure the access and exit routes are maintained so as to be available and clear of debris.

Strict control of ignition sources must be enforced permit to work required for any hot work.

Instruct and nominate a competent person as to the facilities available and method of calling the fire service in the event of a fire.

You must remedy the specified matters before the restricted part(s) of the premises may be used.

Route to Appeal

You can legally appeal to this notice (under article 35 of the said Order). You must appeal to the magistrates court, for the area in which the premises is situated, within 21 days from the date shown on the notice. Bringing an appeal does not have the effect of suspending this notice, unless the court so directs.

If you wish to clarify what you are being asked to do in the schedule you can contact the Officer named above.

If you wish to challenge what you have been asked to do informally (not a legal appeal) you can contact the Fire Protection Manager using the address, email or telephone number detailed above and state that you wish to make an informal appeal (quoting the reference number and date of the Notice).

Acknowledgement

You are required to acknowledge your receipt of this Notice.

You can acknowledge receipt by:

- Email fire.safety@westyorksfire.gov.uk confirming the information stated on the last page of this letter; or
- Completing, signing and returning the last page of this letter.

Yours faithfully



Nigel Charlston

Authorised Fire Safety Inspecting Officer

On behalf of, and duly appointed by the West Yorkshire Fire & Rescue Authority

CC: 

URGENT PROHIBITION NOTICE ACTION REQUIRED
REGULATORY REFORM (FIRE SAFETY) ORDER 2005: ARTICLE 31

To: Mr Joshua Threlfall of Freedom Mills Limited (as person having control of the premises / the responsible person)

Address: Freedom Mills Unit 47 Washington Street Leeds LS3 1JQ

Premises to which this Notice relates: Freedom Mills Washington Street Leeds LS3 1JQ

The West Yorkshire Fire and Rescue Authority is of the opinion that use of the premises to which this notice relates involves a risk to people so serious that use of the premises ought to be **restricted**.

The use of premises to which this notice relates is restricted to the following extent:	Item 1) Not used for purposes of entertainment, recreation or instruction or for purposes of any club, society or association; and Item 2) Without prejudice to item 1) above, not used for any purpose involving access to the premises by members of the public, whether on payment or otherwise.
Matter(s) which give rise to that risk are:	Inadequate means of giving warning in case of fire; and Inadequate means of escape (escape routes, exits and emergency lighting) in case of fire.
The measures which must be taken to remedy the matters are:	<ol style="list-style-type: none"> 1. Provide adequate means for giving warning in case of fire. An appropriate standard can be found in BS 5839-Part 1: Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises. 2. Provide suitable emergency lighting from all occupied parts of the premises. Further advice on the provision of emergency lighting can be found in Fire safety risk assessment: large places of assembly Ref: ISBN 9781851128211 and available at: https://www.gov.uk/government/publications/fire-safety-risk-assessment-large-places-of-assembly

	<p>3. Provide adequate escape routes for the required occupancy figure. Further advice on the provision of escape routes can be found in Fire safety risk assessment: large places of assembly Ref: ISBN 9781851128211 and available at: https://www.gov.uk/government/publications/fire-safety-risk-assessment-large-places-of-assembly</p>
--	--

The Fire Authority considers it necessary for the proposals to comply with the Building Regulations 2000 or the latest version where this applies, and as a result the Responsible Person should contact the Local Authority (Building Control Department) or an Approved Inspector, who will in due course consult with the Fire Authority. Works carried out in accordance with any relevant requirement of these Regulations will not be subject to further requirements from the Fire Authority.

The restriction takes effect from: 8 March 2018 at 14:00 hours.

The premises are **restricted** as stated until the specified matters have been remedied.

Print Name:

Signed:

Dated:

8-03-18

On behalf of, and duly appointed by the West Yorkshire Fire & Rescue Authority

**NOTES TO ACCOMPANY PROHIBITION NOTICE
SERVED UNDER ARTICLE 31 OF THE
REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

- 1 In any proceedings for an offence referred to in Note 1 where the commission of an offence is due to the act or default of some other person, then that person is guilty of the offence, and may be charged with and convicted of the offence.
- 2 Nothing in the Order operates to afford an employer a defence in any criminal proceedings for a contravention by an employee.
- 3 Subject to Note 3, it is a defence for the person charged to prove that he/she took all reasonable precautions and exercised due diligence to avoid the commission of the offence. The defence does not apply to a failure to comply with article 8(a) (Duty to take general fire precautions) or article 12 (Elimination or reduction of risks from dangerous substances).
- 4 If proceedings for an offence consisting of a failure to comply with a duty or requirement so far as is practicable or so far as is reasonably practicable, it is for the accused to prove that it was not practicable or reasonably practicable to do more than was in fact done to satisfy the duty or requirement.
- 5 Please note that in order to satisfy the Environment and Safety Information Act 1988 the Fire and Rescue Authority must enter details of any prohibition notice onto a register to which the public have access. If you feel that such an entry would disclose secret or confidential trade or manufacturing information then you should appeal in writing to the authority within fourteen days of the service of this notice.
- 6 The works or actions specified in the notice are intended to reduce the excessive risk (to a level at which the risk is not so serious). More safety may be required to reduce the risk to an acceptable level. The Fire and Rescue Authority served this notice without prejudice to any other enforcement action that this or any other enforcement authority might take.
- 7 The Fire and Rescue Authority is willing to consider any proposals you may have to remedy the matters specified in the notice by other means.

ENVIRONMENT AND SAFETY INFORMATION ACT 1988

1. A notice which is relevant for the purposes of this Act (see Notice) will be included as an entry in a public register, which will be kept by the West Yorkshire Fire & Rescue Authority. A relevant notice is one, which does not impose requirements or prohibitions solely for the protection of persons at work.
2. The register entry shall be made within 14 days of either the right of appeal against the notice expiring, or of such an appeal being disposed of. Where a notice is cancelled on appeal no entry shall be made.
3. When an inspector is satisfied a relevant notice has been complied with an entry shall be made in the register to show this. If a notice is withdrawn or amended the entry shall be deleted or amended. These alterations of the register shall be made within 7 days.
4. Entries shall be kept in the register for a period of at least 3 years.
5. If you think that the entry for this notice on the register will disclose information about a trade secret or secret manufacturing process you should give written notification to the West Yorkshire Fire & Rescue Authority within 14 days. The West Yorkshire Fire & Rescue Authority will then draft an entry, which in its opinion will not reveal the secret, and serve this on you.
6. If you are not satisfied with this draft entry you may appeal within 14 days to the Secretary of State who may either decide that the entry should be made as drafted, or, if it is considered it does not afford reasonable protection to the secret, the Secretary of State may specify the form the entry should take.
7. If you make a written notification the West Yorkshire Fire & Rescue Authority will not make an entry in relation to the notice other than one which only specified your name and address, identifies any place involved and specifies the relevant legal provisions. A fuller entry will only be made when (a) you give your written consent to the draft, or (b) where no consent is given and the time allowed for appeal to the Secretary of State has expired, or (c) on appeal the Secretary of State has directed that an entry shall be made.

Comments, Compliments and Complaints

West Yorkshire Fire and Rescue Authority are fully committed to providing the highest possible levels of service to the public of West Yorkshire.

Should you wish to make comment on the standard of service you have received from us full details of the procedure are available on our website at www.westyorksfire.gov.uk and search under customer service guide or by entering the following link and clicking on the guide;

<http://www.wyfs.co.uk/about-us/what-we-do/communication-and-engagement/>

If you do not have access to the internet you can contact the Service Standards Officer on 01274 655873.

West Yorkshire Fire & Rescue Service

Fire Protection
Service Delivery Centre
Oakroyd Hall
Birkenshaw
BD11 2DY

I (print name) _____ acknowledge receipt of the
Restriction Notice dated 8 March 2018 / referenced 142411

My position in the organisation is _____ and I confirm that the
people with responsibility and / or control of the matters contained in the notice are
aware of the need to address the matters raised.

Signed: _____

On behalf of (name of organisation) _____

Building Control
Email

Longfellow, Samantha

From: Oldfield, Roger
Sent: 07 March 2018 16:29
To: Longfellow, Samantha; Waters, Michael
Cc: Sanderson, Christopher; Kendall, Paul
Subject: FW: Freedom Mills, Unit 47 Washington Street, Kirkstall,
Attachments: Freedommills.doc

Hi Sam & Mick,

I have checked with Paul Kendall in Planning. They do not have planning permission for the proposed use.

I also spoke to Chris Sanderson in Planning Enforcement, he has already written to them stating that Planning Permission is required. (copy of letter attached)

There will also need to be an application for change of use under the Building Regulations, which will need to include:

- adequate, means of escape provision in case of fire,
- spread of flame rating to walls and ceilings,
- emergency lighting
- access and egress for disable persons,
- adequate toilet facilities,
- ventilation etc.
- there may be other requirements depending upon what is proposed.

Paul Kendall mentioned that the site was not within the designated city centre entertainment zone.

To obtain planning permission it is likely that they would need to show that a suitable venue could not be found elsewhere in the city centre.

Kind regards

Roger Oldfield
Building Control Services Manager

Tel: 0113 2738811
Mob: [REDACTED]
roge [REDACTED]

From: Sanderson, Christopher
Sent: 07 March 2018 14:06
To: Oldfield, Roger <[REDACTED]>
Subject: Freedom Mills, Unit 47 Washington Street, Kirkstall,

Hi Roger,

I enclose letter I sent to Freedom Mills

Chris Sanderson
Principal Compliance Officer



Shared Lives is recruiting paid carers to support adults with a range of care needs.
Find out more at our drop-in information session in Leeds city centre on the 29 March, 11am-2pm.

Planning Services Letter

Freedom Mills Ltd
Unit 47
Washington Street
Kirkstall
Leeds
LS3 1JQ

Planning Services

Merrion House
110 Merrion Centre
LEEDS
LS2 8BB

Contact: **Chris Sanderson**
Tel: 0113 3788069
Fax: 0113 2478230

Your Ref:
Our Ref: Licence Applications

Date 27th February 2018

Dear Sir/Madam,

Subject: APPLICATION FOR PREMISES LICENCE

Thank you for submitting your application for licensed activities at:

Name of venue:- Freedom Mills

Address:- Unit 47, Washington Street, Kirkstall, Leeds, LS3 1JQ.

We write to in relation to your recent application for an entertainment licence at the above premises.

Although Planning Services have not formerly objected to the licence application, I must advise you that the use of the premises proposed in your application does not have planning permission.

Therefore this issue in relation to the premises not having the appropriate planning approval must be addressed as a matter of urgency and a planning application submitted.

The submission of a planning application must not be taken as an indication that consent would necessarily be forthcoming.

Should you wish to discuss this matter further, please do not hesitate to contact me further on the above telephone number.

Thank you for your assistance in this matter.

Yours faithfully

Chris Sanderson
Principal Compliance Officer

www.leeds.gov.uk

switchboard : 0113 234 8080



Parties Notice of Intention

Licensing Act 2003



Application No: TEN/02274/18

Name of Applicant/premises: Mr Kyle McSparron / Freedom Mills

Date of Hearing:

I am:

The applicant/licence holder

A responsible authority

An interested party

☐
☒
☐

Name: CATHERINE ARKLE

Address: LICENSING DEPT, WEST YORKSHIRE POLICE,
ELLAND ROAD, LEEDS, LS11 3BU.

I will be attending the hearing

I will not be attending the hearing

☒
☐

I will be represented at the hearing by: N/A.

NB if you complete this section all further correspondence will be sent to your representative

Note to Interested parties

If you say that you will not be attending the hearing the committee will make it's decision based upon your written representation.

If you wish to withdraw your representation please tick here

or

If you consider that a hearing can be dispensed with please tick here

☐
☐

Please give details as to why you think a hearing can be dispensed with.
(e.g. because you have reached agreement with the other party on conditions)

WITNESSES

Please set out below the name of any person you wish to appear at the Hearing (other than your representative) and give brief details of what you want the witness to tell the Committee. You will only be allowed to call the witness if the Committee gives permission.

Name	Evidence to be given
JAMES GALL	SENIOR FIRE INSPECTOR - FIRE PROHIBITION/RESTRICTION NOTICE

DOCUMENTS

Please list below and attach any documents (other than your application or written objections) that you wish the Committee to consider and indicate whether copies have already been sent to the other parties.

Document	Copy sent
FIRE SERVICE'S PROHIBITION/RESTRICTION NOTICE	YES 19/03/2018
E-MAILS BETWEEN FIRE SERVICE + LCC LICENSING & ENFORCEMENT	YES 19/03/18

Please return this form to:

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Fax: 0113 224 3885

Email: entertainment.licensing@leeds.gov.uk

Arkle, Catherine

From: Nigel Charlston - [REDACTED]
Sent: 07 March 2018 13:58
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Safety Concerns - Freedom Mills Unit 47 Washington Street Kirkstall Leeds LS3

Michael

I too have concerns about potential capacity and means of escape. We will visit tomorrow. Going off the plan provided it should have an occupancy no greater than 60 persons.

Regards
Nigel

Nigel Thompson Charlston QFSM, MCGI, GFireE.
Head of Fire Engineering, Planning & Licensing

 Tel [REDACTED]
 Mob [REDACTED]
 email [REDACTED]



West Yorkshire
Fire & Rescue Service

Oakroyd Hall
Birkenshaw
West Yorkshire
BD11 2DY

From: Waters, Michael [mailto:[REDACTED]]
Sent: 07 March 2018 12:09
To: [REDACTED]
Cc: [REDACTED]
Subject: Safety Concerns - Freedom Mills Unit 47 Washington Street Kirkstall Leeds LS3
Importance: High

Dear All,

Following a visit to the site yesterday 6th March 2018, I have serious concerns about this buildings suitability for a premises licence which is currently subject to an application (PREM/04143/001)

Potential Capacity Floor Area is approx. 300 sq m after removal of area taken up by Bar, Stage, Toilets & Storage this equates to a potential capacity of 600 at 0.5 persons per sq.m.

Travel Distance it is approx. 27 metres to both Exits

Location & size of Exits: The largest Exit is a set of double doors 1.6 m with external shutter this door is approached internally by a series of irregular steps.

Entrance / Exit door 1 x 1050 mm inward opening door approached on the inside by a steep ramp.

The Unit has no functioning Fire Alarm/ sound system cut off, minimal Emergency Lighting and exposed timber ceiling and a section of ceiling between Bar and largest Exit covered with material no certificate produced.

Due to the above concerns we have put a Full Objection to this application on the grounds of failing to Satisfy the Public Safety Objective and a Hearing will be held by the Licensing Committee to decide on the application. We are aware of the email dated 2nd April 2018 from West Yorkshire Fire & Rescue advising they would not be making a Representation

During the visit yesterday we did take some photographs but due to the poor lighting they were of poor quality there are however some very good images on the Freedom Mills website. Some of the images show the crowd density in front of the stage during performance which raises questions if 0.5 persons per square is appropriate.

We are also concerned that this venue is continuing to hold Temporary Event Notices (TEN) for up to 499 persons the next planned Event is this Friday 9th March

Contact details for Freedom Mills

Email address:

Mobile for

Regards

Michael Waters
Senior Liaison & Enforcement Officer
Entertainment Licensing
Leeds City Council
Tel: 0113 2785343
Fax:
ema

www.leeds.gov.uk

If you would like to offer feedback to Entertainment Licensing on the service you have received please visit our [customer feedback form](#).

From: "Waters, Michael"

Sent: 07 March 2018 10:54

To: Waters, Michael <

Subject: Attached Image

Shared Lives is recruiting paid carers to support adults with a range of care needs.
[Find out more](#) at our drop-in information session in Leeds city centre on the 29 March, 11am-2pm.

The information in this email (and any attachment) may be for the intended recipient only. If you know you are not the intended recipient, please do not use or disclose the information in any way and please delete this email (and any attachment) from your system.

The Council does not accept service of legal documents by e-mail.

IMPORTANT NOTICE:

This e-mail and the information that it contains may be confidential, legally privileged and protected by law. Access by the intended recipient only is authorised. Any legal liability (in contract or tort or otherwise) arising from any third party acting or refraining from acting on any information contained in this e-mail is hereby excluded. If you are not the intended recipient please notify the sender immediately and do not disclose the contents to any other person, use it for any purpose, or store or copy the information in any medium. Copyright in this e-mail and attachments created by us belongs to the West Yorkshire Fire and Rescue Authority; the author also asserts the right to object to any misuse.

This footer also confirms that this email message has been scanned for the presence of computer viruses.

Scanning of this message and addition of this footer is performed by Email Security software in conjunction with virus detection software.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



West Yorkshire
Fire & Rescue Service

CFOA007b

Ref: 142411

Date: 8 March 2018

Mr Joshua Threlfall
Freedom Mills Limited
Freedom Mills Unit 47
Washington Street
Leeds
LS3 1JQ

West Yorkshire Fire & Rescue Service
Fire Protection
Service Delivery Centre
Oakroyd Hall
Birkenshaw
BD11 2DY

Tel: [REDACTED]
Mobile: [REDACTED]
Email: [REDACTED]
Officer dealing: James Gall

URGENT ACTION REQUIRED

Dear Sir

Prohibition Notice

The Regulatory Reform (Fire Safety) Order 2005: Article 31

Premises: Freedom Mills Washington Street Kirkstall Leeds LS3 1JQ

Responsible Person: Freedom Mills Limited

This is a relevant notice for the purpose of the Environment & Safety Information Act 1988

The enclosed Prohibition Notice served on your premises on 8 March 2018 requires your immediate attention.

The West Yorkshire Fire and Rescue Authority is of the opinion that the risk to people in case of fire in the premises is so high that the use of the premises must be restricted.

Failure to comply with a prohibition notice is an offence.

The Authority may prosecute anyone failing to comply with the restriction notice; including anyone using the premises in the manner to which this notice relates.

Note: During the above works and until such time as the restriction notice is withdrawn the duties specified below shall be acted upon.

Only the minimum number of workers necessary shall be employed.
Additional training and information shall be provided to those completing the

Making West Yorkshire Safer
www.westyorkshire.gov.uk

works in the potential dangers present.

All workers to be instructed as to the escape routes available.

Complete a risk assessment of the necessary works and how they are to be completed.

Consider temporary means of raising the alarm by automatic means.

Ensure the access and exit routes are maintained so as to be available and clear of debris.

Strict control of ignition sources must be enforced permit to work required for any hot work.

Instruct and nominate a competent person as to the facilities available and method of calling the fire service in the event of a fire.

You must remedy the specified matters before the restricted part(s) of the premises may be used.

Route to Appeal

You can legally appeal to this notice (under article 35 of the said Order). You must appeal to the magistrates court, for the area in which the premises is situated, within 21 days from the date shown on the notice. Bringing an appeal does not have the effect of suspending this notice, unless the court so directs.

If you wish to clarify what you are being asked to do in the schedule you can contact the Officer named above.

If you wish to challenge what you have been asked to do informally (not a legal appeal) you can contact the Fire Protection Manager using the address, email or telephone number detailed above and state that you wish to make an informal appeal (quoting the reference number and date of the Notice).

Acknowledgement

You are required to acknowledge your receipt of this Notice.

You can acknowledge receipt by:

- Email fire.safety@westyorksfire.gov.uk confirming the information stated on the last page of this letter; or
- Completing, signing and returning the last page of this letter.

Yours faithfully

[Redacted Signature]

Nigel Charlston

Authorised Fire Safety Inspecting Officer

On behalf of, and duly appointed by the West Yorkshire Fire & Rescue Authority

CC: [Redacted]

URGENT PROHIBITION NOTICE ACTION REQUIRED
REGULATORY REFORM (FIRE SAFETY) ORDER 2005: ARTICLE 31

To: Mr Joshua Threlfall of Freedom Mills Limited (as person having control of the premises / the responsible person)
 Address: Freedom Mills Unit 47 Washington Street Leeds LS3 1JQ

Premises to which this Notice relates: Freedom Mills Washington Street Leeds LS3 1JQ

The West Yorkshire Fire and Rescue Authority is of the opinion that use of the premises to which this notice relates involves a risk to people so serious that use of the premises ought to be restricted.

The use of premises to which this notice relates is restricted to the following extent:	Item 1) Not used for purposes of entertainment, recreation or instruction or for purposes of any club, society or association; and Item 2) Without prejudice to item 1) above, not used for any purpose involving access to the premises by members of the public, whether on payment or otherwise.
Matter(s) which give rise to that risk are:	Inadequate means of giving warning in case of fire; and Inadequate means of escape (escape routes, exits and emergency lighting) in case of fire.
The measures which must be taken to remedy the matters are:	<ol style="list-style-type: none"> 1. Provide adequate means for giving warning in case of fire. An appropriate standard can be found in BS 5839-Part 1: Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises. 2. Provide suitable emergency lighting from all occupied parts of the premises. Further advice on the provision of emergency lighting can be found in Fire safety risk assessment: large places of assembly Ref: ISBN 9781851128211 and available at: https://www.gov.uk/government/publications/fire-safety-risk-assessment-large-places-of-assembly

	<p>3. Provide adequate escape routes for the required occupancy figure. Further advice on the provision of escape routes can be found in Fire safety risk assessment: large places of assembly Ref: ISBN 9781851128211 and available at: https://www.gov.uk/government/publications/fire-safety-risk-assessment-large-places-of-assembly</p>
--	--

The Fire Authority considers it necessary for the proposals to comply with the Building Regulations 2000 or the latest version where this applies, and as a result the Responsible Person should contact the Local Authority (Building Control Department) or an Approved Inspector, who will in due course consult with the Fire Authority. Works carried out in accordance with any relevant requirement of these Regulations will not be subject to further requirements from the Fire Authority.

The restriction takes effect from: 8 March 2018 at 14:00 hours.

The premises are restricted as stated until the specified matters have been remedied.

Print Name: [REDACTED]

Signed: [REDACTED]

Dated: 8-03-18

On behalf of, and duly appointed by the West Yorkshire Fire & Rescue Authority

**NOTES TO ACCOMPANY PROHIBITION NOTICE
SERVED UNDER ARTICLE 31 OF THE
REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

- 1 In any proceedings for an offence referred to in Note 1 where the commission of an offence is due to the act or default of some other person, then that person is guilty of the offence, and may be charged with and convicted of the offence.
- 2 Nothing in the Order operates to afford an employer a defence in any criminal proceedings for a contravention by an employee.
- 3 Subject to Note 3, it is a defence for the person charged to prove that he/she took all reasonable precautions and exercised due diligence to avoid the commission of the offence. The defence does not apply to a failure to comply with article 8(a) (Duty to take general fire precautions) or article 12 (Elimination or reduction of risks from dangerous substances).
- 4 If proceedings for an offence consisting of a failure to comply with a duty or requirement so far as is practicable or so far as is reasonably practicable, it is for the accused to prove that it was not practicable or reasonably practicable to do more than was in fact done to satisfy the duty or requirement.
- 5 Please note that in order to satisfy the Environment and Safety Information Act 1988 the Fire and Rescue Authority must enter details of any prohibition notice onto a register to which the public have access. If you feel that such an entry would disclose secret or confidential trade or manufacturing information then you should appeal in writing to the authority within fourteen days of the service of this notice.
- 6 The works or actions specified in the notice are intended to reduce the excessive risk (to a level at which the risk is not so serious). More safety may be required to reduce the risk to an acceptable level. The Fire and Rescue Authority served this notice without prejudice to any other enforcement action that this or any other enforcement authority might take.
- 7 The Fire and Rescue Authority is willing to consider any proposals you may have to remedy the matters specified in the notice by other means.

ENVIRONMENT AND SAFETY INFORMATION ACT 1988

1. A notice which is relevant for the purposes of this Act (see Notice) will be included as an entry in a public register, which will be kept by the West Yorkshire Fire & Rescue Authority. A relevant notice is one, which does not impose requirements or prohibitions solely for the protection of persons at work.
2. The register entry shall be made within 14 days of either the right of appeal against the notice expiring, or of such an appeal being disposed of. Where a notice is cancelled on appeal no entry shall be made.
3. When an inspector is satisfied a relevant notice has been complied with an entry shall be made in the register to show this. If a notice is withdrawn or amended the entry shall be deleted or amended. These alterations of the register shall be made within 7 days.
4. Entries shall be kept in the register for a period of at least 3 years.
5. If you think that the entry for this notice on the register will disclose information about a trade secret or secret manufacturing process you should give written notification to the West Yorkshire Fire & Rescue Authority within 14 days. The West Yorkshire Fire & Rescue Authority will then draft an entry, which in its opinion will not reveal the secret, and serve this on you.
6. If you are not satisfied with this draft entry you may appeal within 14 days to the Secretary of State who may either decide that the entry should be made as drafted, or, if it is considered it does not afford reasonable protection to the secret, the Secretary of State may specify the form the entry should take.
7. If you make a written notification the West Yorkshire Fire & Rescue Authority will not make an entry in relation to the notice other than one which only specified your name and address, identifies any place involved and specifies the relevant legal provisions. A fuller entry will only be made when (a) you give your written consent to the draft, or (b) where no consent is given and the time allowed for appeal to the Secretary of State has expired, or (c) on appeal the Secretary of State has directed that an entry shall be made.

Comments, Compliments and Complaints

West Yorkshire Fire and Rescue Authority are fully committed to providing the highest possible levels of service to the public of West Yorkshire.

Should you wish to make comment on the standard of service you have received from us full details of the procedure are available on our website at www.westyorksfire.gov.uk and search under customer service guide or by entering the following link and clicking on the guide;

<http://www.wyfs.co.uk/about-us/what-we-do/communication-and-engagement/>

If you do not have access to the internet you can contact the Service Standards Officer on 01274 655873.

West Yorkshire Fire & Rescue Service
Fire Protection
Service Delivery Centre
Oakroyd Hall
Birkenshaw
BD11 2DY

I (print name) _____ acknowledge receipt of the
Restriction Notice dated 8 March 2018 / referenced 142411

My position in the organisation is _____ and I confirm that the
people with responsibility and / or control of the matters contained in the notice are
aware of the need to address the matters raised.

Signed: _____

On behalf of (name of organisation) _____