

CROWN PREMISES INSPECTION GROUP

CROWN ENFORCEMENT NOTICE

Premises Reference: 2603/020/01 Serial number of notice: [REDACTED]

The Regulatory Reform (Fire Safety) Order 2005 ("the Order")

Name(s) of person(s) on whom the notification is served.	(1) [REDACTED] (2) [REDACTED] (3) [REDACTED]
Premises to which the notification relates	[REDACTED]
Crown Department responsible for the premises	Ministry of Justice
Fire Inspector	Direct dial: 0303 444 3163
	Mobile: [REDACTED]
	E-Mail: [REDACTED]
Crown Premises Inspection Group Address	Office of the Chief Fire & Rescue Adviser Communities and Local Government Zone G9 – 4 th Floor Eland House Bressenden Place London, SW1E 5DU Telephone: 0303 444 3163 E-Mail: [REDACTED]

I, [REDACTED], a person authorised by the Secretary of State under article 25(e) of the Regulatory Reform (Fire Safety) Order 2005, hereby give you notice that I am of the opinion that, as a person being under an obligation to do so, you have failed to comply with the requirements placed upon you by virtue of Article 5 of "the Order" in respect of the above named premises.

2. The matters which I consider constitute the failure(s) to comply with "the Order" and the provisions of "the Order" with which you have failed to comply are specified in the Schedule to this notice.

You are required to take steps to remedy the failure(s) by 2nd April 2010.

Direct Dial: 0303 444 3163
Mobile: [REDACTED]
E-Mail: [REDACTED]

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3. I am further of the opinion that the measure(s) identified in the Schedule to this notice (or any alternative steps that might be agreed with me) need to be taken to remedy the specified failure(s) to comply with the Regulatory Reform (Fire Safety) Order 2005.

4. Unless the measures identified in the Schedule to this notice (or alternative measures-see note below) have been taken within the time limit stated you will be deemed not to have complied with this notice and further action may be taken. You may however apply for an extension to this time limit in writing to me.

5. I, [REDACTED] as an enforcing officer, have a duty to enforce the requirements of the Regulatory Reform (Fire Safety) Order 2005, on all, Crown owned or Crown occupied premises

Note: The specified measures may not be the only way to meet the functional requirement of the relevant article. You may propose an alternative solution, in which case you should do so in writing to me before commencing any work.

Signed

Dated 2nd December 2009

[REDACTED]

[REDACTED]

Chief Fire & Rescue Advisory Unit
Communities & Local Government
Eland House
4th floor - zone G9
Bressenden Place
London
SW1E 5DU

Direct Dial: 0303 444 3163
Mobile: [REDACTED]
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Where appropriate, a plan may form part of this Schedule to illustrate the measures which, in the opinion of the fire inspector, need to be taken in order to comply with the Regulatory Reform (Fire Safety) Order 2005.

Note: Notwithstanding any consultation with other enforcing authorities undertaken by the fire inspector, before you make any alterations to “the premises” which constitute building works you must apply to your local building control body (the local planning authority or an approved inspector) for any necessary approvals, and to any other body which has a statutory interest in “the premises”, if their permission is required for those alterations to be made, (the Crown is exempt building regulations, but follow the same course as if it were not exempt).

There may be occasions when Government departments, individuals or organisations feel unhappy with the inspection process or with some other aspect of enforcement activity, the Crown Premises Inspection Group recognises this and offers an appeals procedure.

The appeals procedure is as follows:

1. If you disagree with anything in the notice you should ask for a review of the notice within 21 days from the day the enforcement notice is served. The first action you should take is to refer the matter to the fire inspector who carried out the inspection by contacting him direct or through Crown Premises Inspection Group.

[The name, and contact details can be found above in the notice. Most matters can be dealt with by this procedure, which can also help clear up any misunderstandings, explain methodologies and agree alternative methods of achieving the objective].

2. In the event of failure of the first action you should refer the matter to the Crown Premises Inspection Fire Advisor through one of the methods of contact listed above.

CROWN PREMISES INSPECTION GROUP

CROWN ENFORCEMENT NOTICE

SCHEDULE

Premises; [REDACTED]

File Number; 2603/020/01

Sheet: 1 of 5

This schedule should be read in conjunction with the Inspector's notice dated 23rd November 2009

The article(s) specified in the Regulatory Reform (Fire Safety) Order 2005, were not being complied with and the following measure(s) need(s) to be taken in order to comply with the above legislation:

Relevant Article	The location and details of matters which are considered to be failures to comply with "the Order".	Measure(s) considered necessary to remedy the provisions to comply with "the Order".
8(b)	<p><i>The responsible person must - in relation to relevant persons who are not his employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.</i></p> <p>HMCS has failed to secure that the emergency routes from the cells can be used safely and effectively at all material times: Smoke from any fire in a cell is not detected until it starts to spread into the corridor, and subsequently places all employees and relevant persons at significant risk of injury due to the lack of sub-compartmentation within the custody suite.</p>	<p>Additional control measures should be introduced as necessary to ensure that employees and relevant persons are not exposed to an unnecessary risk of injury when using the means of escape in the event of a fire in the custody suite.</p>
9(1)	<p><i>The responsible person must make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions he needs to take to comply with the requirements and prohibitions imposed on him by or under this Order.</i></p> <p>The fire safety risk assessment for the premises does not include significant matters within the custody suite which are under the control of the HMCS responsible person but over which the responsible person for SERCO does not have control. It does not consider:</p>	<p>The HMCS fire safety risk assessment should be extended to consider all fire safety matters in the building which are not under the sole control of SERCO.</p>

	<ol style="list-style-type: none"> 1. The adequacy of the active and passive fire safety measures in respect of the known incidence of deliberate cell fires. 2. Defendants as "at risk" persons. 3. The adequacy of the means for securing the means of escape in the custody suite. 4. The adequacy of the automatic fire detection in the custody suite. 	
<p>10</p>	<p><i>Where the responsible person implements preventative and protective measures they should do so on the basis of the principles of prevention as specified in part 3 of schedule 1.(a copy of which is attached for your information)</i></p> <p>There is no regular cleaning program for the ducting serving the kitchen.</p>	<p>A suitable cleaning regime for the kitchen ducting should be implemented.</p>
<p>11(1)</p>	<p><i>The responsible person must make and give effect to such arrangements as are appropriate, having regard to the size of his undertaking and the nature of its activities, for the effective planning, organisation, control, monitoring and review of the preventive and protective measures.</i></p> <p>Fire-Doors separating the kitchen and the dining area where found to be wedged open.</p>	<p>Ensure, through education and/or management of the staff and contractors, that all Fire-Doors are able to close freely and without obstruction at all times.</p> <p>However; during the inspection it was discussed that these doors where 'held open' for the safety of catering staff. If, as a result of your Risk Assessment, the holding open of these doors is necessary. They can only be held open by recognised 'hold-open' devices that will release the door on activation of the fire alarm.</p>
<p>13 (1)(a)</p>	<p><i>Where necessary in order to safeguard the safety of relevant persons, the responsible person must ensure that -- the premises are, to the extent that it is appropriate, equipped with appropriate fire-fighting equipment and with fire detectors and alarms;</i></p> <ol style="list-style-type: none"> 1. The Fire alarm addressable system does not identify all the detectors/call points accurately. It was identified during the Inspection that the Fire Alarm Panel is indicating the wrong detectors/call points in some instances, and that it is unclear how many 'addresses' this affects. 	<ol style="list-style-type: none"> 1. Ensure all 'addresses' within the Fire Alarm System are accurate. I recommend a full survey of addresses within the system is conducted by a competent engineer.

	<p>2. In order to maintain the safety of Relevant Persons the Air Handling Units (AHU's) are connected to the fire alarm system. This link is designed to enable the AHU's to shut down on activation of the Fire Alarm. However, some AHU's are not shutting down as intended.</p> <p>3. The AHU's have been provided with detectors within the ducting to detect any smoke within the ventilation system. However, there is no facility to give warning should an AHU fail. If any AHU was to fail for any reason, it would render the detection within the ducting inoperable, thus compromising the effectiveness of the Fire Alarm System.</p>	<p>2. Establish and repair the cause of the fault.</p> <p>3. Any system that the Fire Alarm relies upon for its effectiveness must have the ability to provide a warning that it has failed thus rendering part of the system 'at fault'. Provide suitable arrangements to ensure adequate warning is given should any failure of an AHU occur.</p>
<p>14(b)</p>	<p><i>The following requirements must be complied with in respect of premises where necessary in order to safeguard the safety of relevant persons, In the event of danger, it must be possible for persons to leave the premise as quickly and safely as possible.</i></p> <p>The door between the Youth and Adult public areas has a lock fitted for business purposes. This lock affects the means by which relevant persons can leave the premises quickly and safely.</p>	<p>Ensure suitable arrangements are put in place to ensure this door is available at all material times should an evacuation occur. It is recognised that this door is generally locked to maintain security. In this instance, the lock must be linked to the Fire Alarm system to ensure it de-activates in the event of an emergency.</p>
<p>17(1)</p>	<p><i>Where necessary the responsible person must ensure that the premise and any facilities, equipment and devices are provided are subject to a suitable system of maintenance. And are maintained in an efficient working order and in good repair.</i></p> <p>1. It is not clear, nor could it be confirmed, if the following Preventative and Protective measures for the building are being adequately maintained or tested.</p> <ul style="list-style-type: none"> • Interlinks between the Fire Alarm System and the AHU's, Fire Curtains and detection within the ventilation ducting. 	<p>1. Provide information on, or, establish a suitable maintenance regime.</p>

	<ul style="list-style-type: none"> • Automatic Openable Vents and their Detectors. • Firefighter controls. <p>2. The test date for Emergency Lighting was overdue its 12 monthly testing regime as identifies in the previous testing certificates..</p>	<p>2. Ensure the Emergency Lighting Test is carried out.</p>
<p>18(1)</p>	<p><i>The responsible person must ensure that the number of persons appointed under paragraph (1), the time available for them to fulfil their functions and the means at their disposal are adequate having regard to the size of the premises, the risks to which relevant persons are exposed and the distribution of those risks throughout the premises.</i></p> <p>The nominated competent person designated as the 'on-site Responsible Person' has not been provided with adequate 'means at there disposal' to ensure the general fire precautions within the premises are being maintained sufficiently.</p> <p>It is clear that insufficient information and/or control is being provided to the on-site responsible person regarding the maintenance of fire safety arrangements within the premises.</p>	<p>Any nominated competent person must have at their disposal the means/information to ensure the fire safety arrangements within the premises are being adequately maintained. This should include information on the maintenance regime of all equipment provided to facilitate the General Fire Precautions within the premises.</p> <p>Although it is recognised these matters are facilitated by a contractor and monitored centrally by estates. You must ensure this information is available locally to the On-site Responsible Person.</p>
<p>20(1)</p>	<p><i>The responsible person must ensure that the employer of any employees from an outside undertaking who are working in or on the premises is provided with comprehensible and relevant information on—</i></p> <p><i>(a) the risks to those employees; and</i></p> <p><i>(b) the preventive and protective measures taken by the responsible person.</i></p> <p>HMCS has not ensured that the employer of SERCO employees in the court building has been provided with comprehensible information on the risks to those employees working in the premises.</p> <p>The fire safety risk assessment does not even identify SERCO as an employer in the building for the purposes of cooperation, co-ordination or information-exchange.</p>	<p>All relevant information on the measures to ensure safety from fire and on the risk from fire to relevant persons within the custody suite, including the extended fire safety risk assessment, should be provided to SERCO immediately, and on an ongoing basis.</p>

22 (1) a	<p><i>Where two or more responsible persons share or have duties in respect of a premise they must</i></p> <p><i>(a) co-operate with the other responsible person concerned so far as is necessary to enable them to comply with the requirements and prohibitions imposed on them by or under this Order;</i></p> <p>There are currently no satisfactory arrangements to ensure adequate co-operation and co-ordination between HMCS and Serco Group PLC</p>	<p>In order to ensure the procedures for serious and imminent danger within the Custody Suite are sufficient, and to ensure that the fire safety arrangements provided and maintained by you are sufficient, you must co-operate and co-ordinate with Serco Group PLC.</p>
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NOTES

1. The Regulatory Reform (Fire Safety) Order 2005; binds the Crown, except for the enforcement and prosecution provisions. Even though the Crown has immunity from enforcement and prosecution under health and safety legislation (including fire) it is not the intention of the Crown to put relevant persons (within the meaning of 'the Order') at any greater risk in its premises than relevant persons in non- Crown premises. To safeguard relevant persons in Crown premises from a Crown failure to comply with health and safety legislation, the Cabinet Office has therefore issued clear guidelines to all Crown departments and agencies through the Civil Service Management Code. The code requires full compliance with the provisions of any legislation which binds the Crown, or any other legislation which Ministers consider should apply, as if it were binding on the Crown. Enforcing authorities for Crown premises treat any health and safety legislation as if the Crown was fully subject to the legislation but apply 'modified' enforcement procedures. The method of enforcement employed by Crown fire inspectors follows a similar procedure to the legal procedure used by enforcing authorities for non-Crown premises. This means that, where appropriate, an enforcement notice will be served on the responsible person and any other person who may be deemed to be responsible, in the same way as if the legal enforcement provisions applied, although the enforcement notice will not have the same legal effect as a notice served under article 30 of 'the Order'.

If you wish to discuss the notice further you should, in the first instance, contact the fire inspector detailed in the notice

2. You may ask for a review of an enforcement notice served by using the appeals procedure detailed above.

An appeal may be brought on the grounds that you think that:

- (a) the service of an enforcement notice was based on an error of fact;
- (b) the service of the enforcement notice was wrong for any reason;
- (c) the inspector erred in the exercise of his discretion in serving the enforcement notice.

Without prejudice to the grounds of 'appeal' set out in paragraphs (a) to (c) above, examples of other situations which may be the subject of an 'appeal' are where:

- (d) you dispute any of the facts in the notice which detail the measures which have to be taken in order to comply with the Regulatory Reform (Fire Safety) Order 2005;

(e) you think that an unreasonable time period has been set for the taking of the measures set out in the notice.

3. The fire inspector may grant, at his discretion, an extension (or further extension) of the time specified for the steps to be taken. Application for an extension of time should be addressed to the inspector at the address detailed in the notice.

4. To assist with administrative procedures, it would be helpful if you could quote the reference number (at the top of this notice) when dealing with the Crown Premises Inspection Group.

Direct Dial: 0303 444 3163
Mobile: [REDACTED]
E-Mail: [REDACTED]

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