

**CROWN PREMISES INSPECTION GROUP**  
CROWN ENFORCEMENT NO

<b>Premises Reference:</b> (file No) 1115/092/01	<b>Serial number of notice:</b> [REDACTED]
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**The Regulatory Reform (Fire Safety) Order 2005 ("the Order")**

<b>Name(s) of person(s) on whom the notice is served.</b>	(1) Mr P Wheatley Director General HMPS Cleland house Page Street London SW1P 4LN	(2) [REDACTED]
<b>Premises to which the notice relates</b>	[REDACTED]	
<b>Crown Department responsible for the premises</b>	HM Prison Service	
<b>Fire Inspector dealing</b>	[REDACTED]	Direct dial; 020 7944 5598
	[REDACTED]	Mobile; [REDACTED]
<b>Crown Premises Inspection Group Address</b>	E-Mail; [REDACTED]	
	Office of the Chief Fire & Rescue Adviser Communities and Local Government First Floor Ashdown House 123 Victoria Street London, SW1E 6DE  Telephone 020 7944 5598 E-Mail cpig@communities.gsi.gov.uk	

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.

Direct Dial 020 7944 5598  
Mobile [REDACTED]  
E-Mail cpig@communities.gsi.gov.uk

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**You are required to take steps to remedy the failure(s) by 15<sup>th</sup> December 2009**

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 [REDACTED]

Dated 18<sup>th</sup> June 2009

Fire Inspector  
Crown Premises Inspection Group  
Office of the Chief Fire and Rescue Advisor

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 Group Manager through one of the methods of contact listed above.

# CROWN PREMISES INSPECTION GROUP

## CROWN ENFORCEMENT NOTICE

### SCHEDULE

**Premises;** [REDACTED]

**File Number;** 1115/092/01

This schedule should be read in conjunction with the Inspector's notice dated; 18<sup>th</sup> June 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:

#### **1) Fire Detection Inadequate**

Legislation Applicable:

Article 13 (1) (a) & 13 (2) of the Regulatory Reform (Fire Safety) Order 2005.

The Premises (to the extent that is appropriate) should be equipped with appropriate fire detectors and alarms.

#### **Action**

**The existing fire detection system should be extended to provide automatic smoke detection within each of the cells to the SEG unit (A1). (The extended system should conform to BS 5839 pt 1)**

#### **2) General Fire Precautions -**

Legislation Applicable:

Article 8 (1) (a) of the Regulatory Reform (Fire Safety) Order 2005 supported by Article 4.

In this Order "general fire precautions" in relation to premises means,

- a) Measures to reduce the risk of fire on the premises and the risk of the spread of fire on the premises;
- b) Measures in relation to the means of escape from the premises;
- c) Measures for securing that, at all material times, the means of escape can be safely and effectively used;
- d) Measures in relation to the means for fighting fires on the premises;
- e) Measures in relation to the means for detecting fire on the premises and giving warning in case of fire on the premises; and
- f) Measures in relation to the arrangements for action to be taken in the event of fire on the premises, including:-

Direct Dial 020 7944 5598  
Mobile [REDACTED]  
E-Mail [cpig@communities.gsi.gov.uk](mailto:cpig@communities.gsi.gov.uk)

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- (i) Measures relating to the instruction and training of employees; and
- (ii) Measures to mitigate the effects of the fire.

**Action**

-

**The use of cardboard furniture is unacceptable within any part of the prison where sleeping accommodation is provided and should be removed immediately. When ignited this form of furniture gives off vast amounts of toxic black smoke. This has the added danger of overpowering any localised smoke extraction and places those personnel in the vicinity in danger of becoming overcome/fatally overcome by smoke.**

**3) Emergency Routes and Exits**

Legislation Applicable:

Article 14 (2) (b) of the Regulatory Reform (Fire Safety) Order 2005.

In the event of danger, it must be possible for persons to evacuate the premises as quickly and safely as possible.

**Action**

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**The existing smoke control system within the SEG unit (A1) should be examined and upgraded/replaced as necessary . To ensure that in the event of a fire that it is capable of extracting any smoke from a cell fire and keeping the corridor clear (clear up to the top edge of the cell door).**

**4) Training**

Legislation Applicable:

Article 21 (2) of the Regulatory Reform (Fire Safety) Order 2005.

The Responsible Person must ensure that his employees are provided with adequate safety training, and that the training is repeated periodically where appropriate.

**Action –**

**A system of induction is in place for new staff whereby they receive fire awareness training. However there appears to be a poor programme of periodic refresher training that has resulted in a significant number of prison staff in this establishment that have had no fire safety input or cell fire training sessions for many years.**

**It is likely that all uniformed staff could be required to use a specific safe system of work incorporating the use fire-fighting equipment at some time, particularly in a cell fire situation.**

**All operational uniformed staff should receive “cell fire” procedural training on an annual basis, in addition to the 3 year awareness training.**

## 5) Procedures for Serious and Imminent Danger.

Legislation Applicable:

Article 15 (1) (a) of the Regulatory Reform (Fire Safety) Order 2005.

Establish and where necessary give effect to appropriate procedures, including safety drills, to be followed in the event of serious and imminent danger to relevant persons.

### Action –

**The current “safe system’s of work” employed within the prison and those published in the prison “Fire Management Policy” are to be examined and redrafted in simple, clear & unambiguous statement’s that detail the actions needed to be adopted when dealing with cell fires ( without the use of any additional PPE or SDBA).**

## 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.