

**CROWN PREMISES INSPECTION GROUP**

**CROWN ENFORCEMENT NOTICE**

Premises Reference: 2118/014/01 Serial number of notice: [REDACTED]

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

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

1. 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 10<sup>th</sup> March 2010**

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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: 10<sup>th</sup> December 2009

[REDACTED]

[REDACTED]

Chief Fire & Rescue Advisory Unit  
Confidential to Local Government  
Elm House  
4th floor zone G9  
Brookman Place  
London  
SW1E 6BU

[REDACTED]

[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 audit 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 audit 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

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## SCHEDULE

Premises: [REDACTED]

File Number: 2118/014/01

Sheet: 1 of 6

This schedule should be read in conjunction with the Inspector's notice dated 10<sup>th</sup> December 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 and comply with "the Order".
Article 8	<p><i>The responsible person must—</i></p> <p><b>1. take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of any of his employees;</b></p> <p>1. There are currently inadequate arrangements in place for the protection of staff conducting Cell Snatch Rescues. During the recent fire in your premises no protective equipment was available to protect your staff from the effects of smoke whilst carrying out a cell snatch rescue.</p>	<p>1. You must provide adequate protective equipment for staff designated the role of cell snatch rescue, in order to protect them from the effects of smoke.</p>
8(1)(a)	<p>2. This is contrary to your current policy which states guidance document IG 34/96 still stands. This document requires all prisons, subject to its risk assessment, to provide SDBA.</p>	<p>2. Ensure there are sufficient numbers and distribution of staff available and that they are adequately trained in the use of the equipment.</p>

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Article 10	<b>Principles of Prevention to be Applied</b>	
10	<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.</i></p> <p>1. There does not appear to be a coherent policy in facilitating the prosecution of offenders, who have committed acts of arson or fire-setting within the prison, as part of an Arson reduction programme.</p>	<p>1. Establish a coherent policy to facilitate the possible prosecution of offenders.</p>
Article 11	<b>Fire Safety Arrangements</b>	
11(1)	<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>There is no suitable control, monitoring or reviewing of your fire safety arrangements. For example;</p> <ol style="list-style-type: none"> <li>1. The hose reels within the C wing failed to operate during the recent fire.</li> <li>2. The smoke vents within C wing atrium failed to operate during the recent fire.</li> <li>3. Inundation point to the cell failed to open during the recent fire.</li> <li>4. No one could confirm how the cell ventilation system is designed to operate if the fire alarm is activated.</li> </ol>	<p>Establish appropriate arrangements to ensure this article is complied with.</p>
Article 13	<b>Firefighting and Fire Detection</b>	

13 (1)(a)	<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> <p>1. The current arrangements for fire-detection within most accommodation wings are inadequate.</p>	<p>This poses a significant risk to relevant persons within the premise.</p> <p>1. Review the current fire detection system in order to increase the level of fire-detection provided within the accommodation wings. The subsequent Fire Alarm and Detection system is to be in accordance with BS 5839: Part 1, 2002 and Custodial Property's Technical Specification for FA systems. (STD/E/SPEC/014)</p>
13(3)(b)	<p><i>The responsible person must, where necessary, nominate competent persons to implement those measures and ensure that the number of such persons, their training and the equipment available to them are adequate, taking into account the size of, and the specific hazards involved in, the premises concerned;</i></p> <p>1. During the audit, your training records were examined and it was apparent that insufficient persons were nominated or, identified as competent, or had received training to undertake this role.</p>	<p>1. Nominate sufficient competent persons to implement these measures and ensure they receive suitable and sufficient training.</p>
<p><b>Article 15</b></p> <p>15(1)(a)</p>	<p><b>Procedures for Serious and Imminent danger and for Danger Areas</b></p> <p><i>The responsible person must 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;</i></p> <p>1. It was confirmed that a member of staff escorting the fire-engine to the incident refused to ride the appliance</p>	<p>1. Any policy of the Prison Service preventing staff riding 'external agency' vehicles must not extend to emergency</p>

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	<p>as he "had not received the required training" This resulted in a delay in the fire service reaching the incident.</p>	<p>vehicles attending incidents if it hinders or delays the emergency services attendance at the incident.</p>
<p>15(1)(b) 15(3)</p>	<p><i>nominate a sufficient number of competent persons to implement those procedures in so far as they relate to the evacuation of relevant persons from the premises;</i></p> <p><i>A person is to be regarded as competent for the purposes of paragraph (1) where he has sufficient training and experience or knowledge and other qualities to enable him properly to implement the evacuation procedures referred to in that paragraph</i></p> <p>1. During the audit, your training records were examined and it was apparent you have insufficient staff nominated to undertake evacuation procedures and/or the role of Cell Snatch Rescue, and that their training is insufficient in its frequency.</p>	<p>1. Ensure there are sufficient number and distribution of persons to implement your evacuation procedures and/or conduct a Cell Snatch Rescue, and ensure that their training is sufficient in its scope and conducted on a periodical basis.</p>
<p>Article 17</p>	<p><b>Maintenance</b></p>	
<p>17(1)(a)</p>	<p><i>Where necessary in order to safeguard the safety of relevant persons the responsible person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises, under this Order, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.</i></p> <p>It was apparent during the audit that not all of the passive and active fire safety measures are being maintained or tested correctly. For example, the following list demonstrates an inadequate testing and maintenance regime:</p>	<p>Conduct an immediate review of all passive and active fire safety measures within the premises, and establish their appropriate maintenance and testing regimes. Any equipment that has not been subject to a suitable maintenance and testing regime should be addressed immediately and suitable periodical testing and maintenance regimes put in place for the future.</p>

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	<ol style="list-style-type: none"> <li>1. The hoses reels within the C wing failed to operate during the recent fire.</li> <li>2. The smoke vents within C wing atrium failed to operate during the recent fire.</li> <li>3. Inundation point to the cell failed to open during the recent fire.</li> <li>4. No one could confirm how the cell ventilation system is designed to operate if the fire alarm is activated.</li> </ol> <p>Note:</p> <p>(i) This list is not intended to be exhaustive. It is possible, and likely, there are more systems that are not being adequately maintained.</p>	
<p><b>Article 19</b></p>	<p style="text-align: center;"><b>Provision of Information to Employees</b></p> <p><i>The responsible person must provide his employees with comprehensible and relevant information on—</i></p> <ol style="list-style-type: none"> <li>(a) the risks to them identified by the risk assessment;</li> <li>(b) the preventive and protective measures;</li> <li>(c) the procedures and the measures referred to in article 15(1)(a);</li> <li>(d) the identities of those persons nominated by him in accordance with article 13(3)(b) or appointed in accordance with article 15(1)(b) ;</li> <li>(e) the risks notified to him in accordance with article 22(1) (c).</li> </ol> <ol style="list-style-type: none"> <li>1. During the audit it was identified that members of staff were turning off the atrium smoke ventilation.</li> </ol>	<ol style="list-style-type: none"> <li>1. Ensure that all staff is provided with comprehensible information on the preventative and protective measures within the premises.</li> </ol>



Article 21	Training	
<p>The responsible person must ensure that his employees are provided with adequate safety training—            (a) at the time when they are first employed; and</p> <p>The training referred to in paragraph (1) must—</p> <p>(a) include suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard himself and other relevant persons on the premises;            (b) be repeated periodically where appropriate;            (c) be adapted to take account of any new or changed risks to the safety of the employees concerned;            (d) be provided in a manner appropriate to the risk identified by the risk assessment;            (e) take place during working hours.</p> <p>21(1)            21(2)</p>	<p>1. During the audit, your training records were examined and it was apparent that members of staff are not receiving adequate safety training.</p>	<p>1. All staff working on the premises on a regular basis must receive appropriate safety training.</p> <p>2. The scope and frequency of their training must take into account the matters specified in article 21(2)</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.