

CROWN PREMISES INSPECTION GROUP

ENFORCEMENT NOTICE

NOTICE REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005 – ISSUED BY [REDACTED] OF THE CROWN PREMISES INSPECTION GROUP

Premises Reference: 2401/021/01 **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.	Amev PLC	(2)
Premises to which the notification relates	[REDACTED]	
Person responsible for the premises	The National Probation Service	
Fire Inspector / Enforcing Authority	[REDACTED]	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]	

1. I, [REDACTED] a Fire Inspector for the purposes of the Order, 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(3) of the Order in respect of the above named premises. I am of this opinion following an inspection of the premises on 13 April 2010.

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 4th August 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 Authority, 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 4th May 2010

[REDACTED]

[REDACTED]

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

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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).

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SCHEDULE

Premises: [REDACTED]

File Number: 2401/021/01

Sheet: 1 of 1

This schedule should be read in conjunction with the Inspector's notice dated **4th May 2010**

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".
<p>Article 5(3) in conjunction with article 14(2)(b)</p>	<p>Emergency Routes and exits</p> <p><i>The following requirement must be complied with in respect of premises where necessary in order to safeguard the safety of relevant persons,</i></p> <p><i>In the event of danger, it must be possible for persons to evacuate the premises as quickly and as safely as possible;</i></p> <p>It has been established that Arney were appointed under contract, and subsequently appointed a sub-contractor to carry out the remedial works to fire-stop the breaching of compartment walls within the premises. This remedial work carried out since my audit on 16th April 2009 is unsatisfactory for the following reasons;</p> <ol style="list-style-type: none"> 1. The work on the approved premises floors is incomplete, with gaps still remaining. 2. No satisfactory evidence has been provided establishing that the Fire-resistant qualities of the expanding foam installed meets BS476 part 20 or an equivalent standard. 	<p>The compartment walls and floors should form a complete barrier to fire between the compartments they separate. A thorough survey is to be undertaken to identify all locations that are required to be fire resistant construction, and to install appropriate fire-stopping.</p> <p>Note:</p> <p>The Enforcement Notice served on the Probation Service details the fire-stopping works are required throughout the premises, where necessary, and not just within the Approved premises. This failure has been omitted from your Notice as it appears Arney were only appointed to carry out works to the Approved Premises areas.</p> <p>For this reason I suggest both parties liaise on this matter.</p>

NOTES TO ACCOMPANY ENFORCEMENT NOTICE SERVED UNDER ARTICLE 30 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

1. Application to premises. The Regulatory Reform (Fire Safety) Order 2005, subject to paragraphs 6 (1) (a) to (g) below, applies to any premises.
2. The Order does not apply in relation to -
 - (a) domestic premises;

Note: Where the premises are, or consist of, a house in multiple occupation this Order applies in relation to those parts of the premises which are not domestic premises;

- (b) an offshore installation within the meaning of regulation 3 of the Offshore Installation and Pipeline Works (Management and Administration) Regulations 1995;
 - (c) a ship, in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;
 - (d) fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings;
 - (e) an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 or a vehicle exempted from duty under that Act;
 - (f) a mine within the meaning of section 180 of the Mines and Quarries Act 1954, other than any building on the surface at a mine, and
 - (g) a borehole site to which the Borehole Sites and Regulations 1995 apply.
3. You may appeal (under Article 35 of the Order) against an enforcement notice served (under Article 30 of the Order). The appeal must be made, within 21 days from the day on which the notice is served, to the magistrates' court for the area in which your premises is situated. 4. The Enforcing Authority may grant, at their discretion, an extension (or further extension) of time specified for the steps to be taken if an appeal against the notice is not pending. Application for an extension of time should be addressed to the person named at the top of the letter.
5. Failure to comply with any requirement imposed by an enforcement notice served under Article 30 of the Order within the time specified in the notice (or such further time as the Enforcing Authority may, at their discretion, grant) is a criminal offence under Article 32(1)(d) of the Order. A person guilty of such an offence shall be liable,
 - (a) on summary conviction to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.
6. In any proceedings for an offence referred to above, where the commission by any person of an offence under the Order, is due to the act or default of some other person, that person is guilty of the offence, and a person may be charged with and convicted of the offence whether or not proceedings are taken against the first mentioned person.

7. Nothing in the Order operates so as to afford an employer a defence in any criminal proceedings for a contravention of those provisions by reason of any act or default of an employee or person nominated to implement measures for fire-fighting or procedures for serious and imminent danger and for danger areas, or appointed to assist him/her in undertaking such preventive and protective measures as necessary.
8. Subject to Note 9, in any proceedings for an offence under the Order, except for a failure to comply with articles 8 (1) (Duty to take general fire precautions) or 12 (Elimination or reduction of risks from dangerous substances), 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 such an offence.
9. If you are the responsible person you are under an obligation to comply with the provisions of the Order or of any regulations made under it. If you have failed to comply, and you and the Enforcing Authority cannot agree on the measures which are necessary to remedy the failures(s), then under article 36 of the Order you and the Enforcing Authority may agree to refer the question, as to what measures are necessary to remedy the failure(s), to the Secretary of State for a determination.
10. It should be noted that in order to satisfy the Environment and Safety Information Act 1988 the Enforcing Authority is obliged to enter details of any enforcement notice into a register to which the public have access. If you feel that any such entry would disclose secret or confidential trade or manufacturing information then you should appeal in writing to the Authority within a period of fourteen days following the service of the notice.
11. To assist with administration procedures, it would be helpful if you could quote the reference number (at the top of this notice) when dealing with the Fire and Rescue Authority.

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STANDARD TERMS AND DEFINITIONS

FIRE RESISTING (FIRE RESISTANCE): The ability of a component or construction of a building to satisfy, for a stated period of time, some or all of the appropriate criteria specified in the relevant British Standard.

INTUMESCENT STRIPS: A strip of material placed along the door edges (excluding the bottom edge), or frame, that will react to heat by expanding to form a seal to the passage of hot gases and flame.

SMOKE SEAL: A flexible strip of material (often used in conjunction with an intumescent strip) placed along the door edges or frame to limit the spread of cold smoke during the early stages of a fire.

SELF-CLOSING DEVICE: A device which is capable of closing the door from any angle and against any latch fitted to the door. Rising butt hinges are not acceptable.

AUTOMATIC DOOR RELEASE: A device, linked to (or operated by the sound of) the fire alarm system, that when fitted to a fire resisting self closing door, enables it to be held open during normal working conditions.

EMERGENCY ESCAPE LIGHTING: That part of the emergency lighting system provided for use when the electricity supply to the normal lighting fails so as to ensure that the means of escape can be safely and effectively used at all times.

RISK ASSESSMENT: An organised appraisal of your activities and premises which enables you to identify potential fire hazards, and to decide who (including employees and visitors) might be in danger in the event of fire, and their location. You will then evaluate the risks arising from the hazards and decide whether the existing fire precautions are adequate, or whether more needs to be done. It will be necessary for you to record your findings (if you have five or more employees), and to review and revise when necessary.

-End-