

Premises Reference [5916/055/01]	Serial number of notice [2007-29-08-07]
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**CROWN PREMISES INSPECTION GROUP
CROWN ENFORCEMENT NOTICE**

Notice of non-compliance with the Regulatory Reform (Fire Safety) Order 2005.

Name of person(s) on whom the notice is served	[REDACTED]		
	[REDACTED]		
	[REDACTED]		
Address at which it is intended to serve the notice.	[REDACTED]		
Crown Department	Ministry of Justice, HM Court Service		
Fire Inspector Contact details	Name :	[REDACTED]	Mobile no : [REDACTED]
	Tel no :	02079445789	E-mail : cpig@communities.gov.uk
Crown Premises Inspection Group	Crown Premises Inspection Group Chief Fire & Rescue Adviser's Unit Fire & Resilience Directorate Communities and Local Government Zone 9/G9, Eland House Bressenden Place, London SW1E 5DU		

1. I, [REDACTED] a fire inspector appointed by the Secretary of State under section 28 of the Fire and Rescue Services Act 2004 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 the Regulatory Reform (Fire Safety) Order 2005 in respect of the above named premises in respect of relevant persons.
2. The matters which, in the opinion of the Crown Premises Inspection Group, constitute the failure(s) to comply with the Regulatory Reform (Fire Safety) Order 2005 are specified in the Schedule to this notice.
3. The Crown Premises Inspection Group are further of the opinion that the steps identified in the Schedule to this notice are one acceptable means of remedying the specified failure(s) to comply with the Regulatory Reform (Fire Safety) Order 2005.
4. Unless the necessary steps identified in the Schedule to this notice or equivalent alternative steps have been taken by 120 days from the date of this notice you will be deemed not to have complied with this notice and the Crown Premises Inspection Group

may consider further action. You may however apply for an extension to this time limit (see the attached Notes).

APPEALS PROCEDURE

There may be occasions when Government departments, individuals or organizations feel unhappy with the inspection process or with some other aspect of enforcement activity. The Crown Premises Inspection Group recognizes this and offers the following procedures.

Complaints and criticism form an important feedback mechanism which can help the Crown Premises Inspection Group improve the service it offers. All matters are taken seriously and will receive sensible and urgent consideration.

If you feel aggrieved, the first action taken should be to refer the matter to the fire inspector who carried out the inspection. The name and contact details can be found on the notice which was served as a result of the inspection or by contacting the Crown Premises Inspection Group on 02079445789; E-mail Cpig@communities.gsi.gov.uk . Most matters can be solved by this procedure which can help clear up misunderstandings, methodologies and resolve most concerns or allow alternative methods of achieving the objective.

The second action which should be followed on failure of the first action should be to contact the Group Manager on the above number. An informal discussion should solve most grievances.

If the above actions fail and you wish to undertake formal procedures then you should write to the Chief Fire & Rescue Service Adviser detailing the grounds for your complaint. The address to write to is:-

Chief Fire & Rescue Adviser's Unit
Fire & Resilience Directorate
Communities and Local Government
Zone 9/G9, Eland House
Bressenden Place,
London SW1E 5DU

Dated: 29 August 2007

Signed

A black rectangular redaction box covering the signature of the Fire Inspector.

Fire Inspector for Crown Premises Inspection Group

NOTES

1. The Regulatory Reform (Fire Safety) Order 2005 means–

Statutory Instrument 2005 No. 1541, Regulatory Reform, England And Wales - The Regulatory Reform (Fire Safety) Order 2005 as modified by Statutory Instrument 2006 No. 484 - The Regulatory Reform (Fire Safety) Subordinate Provisions Order 2006

2. You may appeal against an enforcement notice served. The appeal is made as detailed in appeals above and 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 in law; (c) the Crown Premises Inspection Group erred in the exercise of their discretion in serving the enforcement notice.

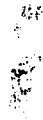
Without prejudice to the breadth of the grounds of appeal set out in paragraphs (a) to (c) above, examples of situations in which an appeal may lie are where:-

(d) you dispute any of the facts in the notice which detail the steps 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 steps set out in the notice.

3. The Crown Premises Inspection Group may grant, at their 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:-

Group Manager
Crown Premises Inspection Group
Chief Fire & Rescue Adviser's Unit
Fire & Resilience Directorate
Communities and Local Government
Zone 9/G9, Eland House
Bressenden Place,
London SW1E 5DU
Telephone : 02079445789 E-mail : Cpig@communities.gsi.gov.uk

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



Schedule referred to in enforcement notice no. 2007- 14-08-07, requiring steps to be taken under article 30 of the Regulatory Reform (Fire Safety) Order 2005, issued by an inspector of the Crown Premises Inspection Group on 14-08-07

Where appropriate, a plan may form part of this Schedule to illustrate the steps which, in the opinion of the Crown Premises Inspection Group, need to be taken in order to comply with the legislation.

Note - Notwithstanding any consultation undertaken by the Crown Premises Inspection Group, before you make any alterations to the premises, you must apply for local authority building control department/ approved inspector approval (and/or the approval of any other bodies having a statutory interest in the premises) if their permission is required for those alterations to be made.

Item 1

A fire inspector appointed by the Secretary of State is of the opinion that due to FSO article 14 (2) circumstances, whereby access is provided to the premises for relevant persons with mobility impairment there is a duty for the responsible person(s) (article 3) outlined in FSO articles 8 to prevent those disabled persons being placed at risk within the meaning of FSO article 32 (1) (a) in the case of fire. This opinion has resulted because there is no observable means of escape for mobility impaired persons from the upper floors of the premises. The written policy issued by the Court Service Fire Department to all regions regarding means of escape for mobility impaired persons has not been implemented in these premises. HM Court Service has not carried out a suitable and sufficient risk assessment to determine a means of escape suitable for the needs of mobility impaired persons and there remains leaving mobility impaired persons in wheelchair refuges to be rescued by the Fire Service. Wheelchair refuges are not a place of safety and only a place of relative safety. Under article 14 (2) (b) there is a requirement for the responsible person to ensure that in the event of danger, it must be possible for relevant persons to evacuate the premises quickly and as safely as possible. It is the opinion of a fire inspector that the situation in these premises does not fulfill this requirement. The failure to implement the stated policies and procedures of the HM Court Service for providing safe means of escape facilities for mobility impaired persons from upper floors to a place of ultimate safety is therefore placing relevant persons at serious risk of injury or death from fire.

It is therefore the opinion of a fire inspector appointed by the Secretary of State that; in accordance with a requirement to do so under article 8 (2) of the Regulatory Reform (Fire Safety) Order 2005, HM Court Service has failed to safeguard the safety of relevant persons by failing to ensure that in the event of danger, it must be possible for relevant persons to evacuate the workplace quickly and as safely as possible. This is due to relevant circumstances which include lack of self escape facilities (lifts), lack of assisted escape (evacuation chairs and staff assistance) and the inability of HM Court Service to ensure that the Fire Service will arrive to intervene and carry out rescues, how long it

may take before arrival does occur or to show that the Fire Service have the procedures or equipment to undertake a rescue.

(i) The opinion of the fire inspector that the above matter has not been complied is because there are no means of ensuring that disabled persons can evacuate the upper floors of the premises quickly and as safely as possible, nor is there any equipment or written procedures of how the mobility impaired persons will be evacuated by other means .

(ii) The fire inspector considers that steps need to be taken to ensure that mobility impaired employees can evacuate the premises as quickly and as safely as needed. One way to accomplish this would be the provision of evacuation chairs together with sufficient staff trained in their use. Another method would be by risk assessment of the existing lift structures or the conversion of the existing lifts to evacuation lifts as detailed in “BS 5588 part 8: 1999 Fire precautions in the design, construction and use of buildings; Code of practice for means of escape for disabled people”. This court building provides access and hence should provide safe egress for persons involved in court proceedings whose numbers or disabled status will not be known until they arrive. The lift solution will cater for larger numbers of mobility impaired persons than can be handled by assisted evacuation methods (evacuation chairs). Escape routes from the ground floor terminate in steps which will need some form of ramping to enable wheelchair escape. It is acknowledged by the fire inspector that there are other means of ensuring safe and swift disabled evacuation and it is the right of HM Court Service in their risk assessment to provide adequate provisions in any manner they consider will meet the requirement not to put the relevant persons at serious risk;

(iii) It is considered that a period of 120 days would be suitable for provision of evacuation chairs and staff training or the conversion of the existing lifts to evacuation lifts or for the provision of alternative arrangements which can meet the requirement for evacuation; and

(iv) An appeal against this notice can be heard by application within 28 days to the Group Manager of the Crown Premises Inspection Group (see above for appeals).

Item 2

A fire inspector appointed by the Secretary of State is of the opinion that due to FSO article 7 (5) circumstances where persons are locked in cells within the custody suite the safety of prisoners required by article 7(6) is not ensured so far as possible. This has arisen because there are no suitable or sufficient arrangements for the evacuation of prisoners from the custody suite cells before the onset of untenable conditions could occur in the custody suite. Persons are allowed to be locked in custody under FSO article 7 (5). Where the practice of locking persons in is permitted, there must be an alternative method of ensuring their safety wherever this is possible under FSO article 7 (6).

The greatest risk of fire is likely to occur in the areas occupied by custody officers. These contain a kitchen, rest room, personal effects store and a control room. These areas were

not separated by fire resisting structure from cell and escape routes and doors to these rooms were not kept closed. A fire in the custody suite especially staff areas would affect the cell corridors and the escape routes. The means of escape

Both escape routes pass through the same space and both routes can be affected by one fire. In the event of a fire affecting this area, it is not considered possible to carry out escorted evacuation for the numbers of prisoners who may be present with the number of officers in the custody suite in the length of time before untenable conditions could occur.

(i) The opinion of the fire inspector that the above matter has not been complied is because;

(a) There are no means of ensuring that escorted evacuation can take place in an area of relative safety separated from the effect of a fire by fire resisting structure. (Cell areas should be separated from other occupied areas by fire resistance)

(b) There should be two routes from the custody suite separated by fire resisting structure in the event that one route is compromised by the fire.

(ii) The fire inspector considers that steps need to be taken to ensure that the escape routes are protected and that escorted prisoners can evacuate the premises as quickly and as safely as needed. One way to accomplish this would be by the fitting of fire resistant doors in place of or in addition to the cage doors currently in place. It is acknowledged by the fire inspector that there are other means of ensuring a safe escorted evacuation (suppression, ventilation etc.) and it is the right of HM Court Service in their risk assessment to provide adequate provisions in any manner they consider will meet the requirement not to put the relevant persons at serious risk;

(iii) It is considered that a period of 180 days for provisions to ensure that the escape routes are protected and that escorted prisoners can evacuate the premises as quickly and as safely as needed or for the provision of alternative arrangements which can meet the requirement for evacuation

(iv) An appeal against this notice can be heard by application within 28 days to the Group Manager of the Crown Premises Inspection Group (see above for appeals).

Item 3

FSO article 13 (1) (a) requires the provision of fire detectors and alarms where necessary (whether due to the features of the premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to safeguard the safety of relevant persons. The FSO came into force on 1st October 2006 and since that date prisoners have been relevant person who require adequate general fire precautions to prevent them from coming to harm. Prisoners are locked into cells and require escorted evacuation. If the evacuation of each prisoner could take place simultaneously (a ratio of one officer to one prisoner) the escorted evacuation could be carried out in the minimum time. That time would still be high in comparison to normal evacuation especially if there are difficult prisoners requiring additional escorted evacuation staff. Current staffing levels do not

permit simultaneous escorted evacuation and therefore an early warning of fire is required in a custody suite. Currently there are no means of early detection of a fire in the custody suite in any room. It is considered that the process of escorted evacuation requires the provision of an early warning of fire and that can only be achieved by the provision of automatic fire detection.

(i) The opinion of the fire inspector that the above matter has not been complied is because it is possible for a fire to develop without detection, reducing the time available for escorted evacuation.

(ii) The time for escorted evacuation is further delayed because;

(a) Current staffing levels do not permit simultaneous escorted evacuation.

(b) Escorted evacuation is not a normal evacuation procedure as doors are locked and need to be negotiated with keys.

(c) Prisoners need to be "escorted" to a relatively safe waiting space [REDACTED] and officers need to return to repeat this process.

(d) In the event of the [REDACTED] not being available there will be a further delay until vehicles can be resited to meet escorting officers.

(iii) The fire inspector considers that steps need to be taken to ensure that an early warning of fire is given by the provision of automatic detection. One way of achieving this will be by the provision of an aspirating type fire alarm system in the custody suite. It is acknowledged by the fire inspector that it is the right of HM Court Service in their risk assessment to provide adequate provisions in any manner they consider will meet the requirement not to put the relevant persons at serious risk;

(iv) It is considered that a period of 180 days would be suitable for provision of a aspirating type fire alarm system in the custody suite or for the provision of alternative arrangements which can meet the requirement for an early warning of fire or the suppression of a fire thereby not requiring an early warning; and

(v) An appeal against this notice can be heard by application within 28 days to the Group Manager of the Crown Premises Inspection Group (see above for appeals).

Item 4

A fire inspector appointed by the Secretary of State is of the opinion that due to FSO article 9 circumstances the responsible person has failed to have a suitable and sufficient risk assessment carried out. The FSO article 9 requires the responsible person to 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 the Order.

(i) The opinion of the fire inspector that the above matter has not been complied is because no risk assessment was made available at the time of the audit..

(iii) The fire inspector considers that steps need to be taken to ensure that a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions the responsible person needs to take to comply with the requirements and prohibitions imposed on him by or under the Order.

(iv) It is considered that a period of 90 days would be suitable for provision of 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 the Order.

(v) An appeal against this notice can be heard by application within 28 days to the Group Manager of the Crown Premises Inspection Group (see above for appeals).