

Premises Reference: 1125/022/01	Serial number of notice: [REDACTED]
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CROWN PREMISES INSPECTION GROUP
REGULATORY REFORM (FIRE SAFETY) ORDER 2005 ARTICLE 30

Name(s) of person(s) on whom the notice is served.	(1) Paul Swinburn HM Prison Service Cleland House Page Street, London SW1P 4LN	(2) [REDACTED]
	(3)	(4)
Address of the premises to which the notice relates.	[REDACTED]	
Person responsible for the premises.	[REDACTED]	
Fire Inspector dealing	Name: [REDACTED]	Tel. (Mobile): [REDACTED] Tel. (office): 020 7944 5789
	E. Mail: [REDACTED]	
Chief Fire & Rescue Advisors Unit Crown Premises Inspection Group	Address: Group Manager Crown Premises Inspection Group Chief Fire & Rescue Advisors Unit	Tel: 0207 944 5789
		E. Mail: CPIG @communities.gsi.gov.uk

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

*Chief Fire & Rescue Adviser's Unit- Crown Premises Inspection Group
9th Floor, Eland House, Bressenden Place, London, SW1E 5DU
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with the requirements placed upon you by *the Regulatory Reform (Fire Safety) Order 2005* in respect of the above named workplace and the employees who work therein.

2. The matters which I consider constitute the failure(s) to comply with the *Regulatory Reform (Fire Safety) Order 2005* are specified in the Schedule to this notice.

3. I am further of the opinion that the steps identified in the Schedule to this notice or other means of remedying the failure; must be taken to remedy 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 have been taken within the time limit stated in 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).

Signed



Fire Inspector
Crown Premises Inspection Group

Dated: Tuesday 18th December 2007

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ENFORCEMENT NOTICE NO : [REDACTED]

Schedule

Relevant article of the Regulatory Reform (Fire Safety) Order 2005	Reason for non compliance	Steps considered necessary to remedy the failure to comply	Time scale to address failure
Article 8 [Article 4(b) & 4(c)]	<p>8. —(1) <i>The responsible person must—</i></p> <p>(a) <i>take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of any of his employees.</i></p> <p>4. —(1) <i>In this Order "general fire precautions" in relation to premises means;</i></p> <p>(b) <i>measures in relation to the means of escape from the premises;</i></p> <p>(c) <i>measures for securing that, at all material times, the means of escape can be safely and effectively used;</i></p>	Ensure a competent person risk assesses the means of escape and provide suitable and sufficient preventive and protective measures	60 days
Article 14(2)(b)	<p>14(2) — <i>The following requirements must be complied with in respect of premises 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- (b)in the event of danger it must be possible for persons to evacuate the premises as quickly and safely as possible.</i></p> <p><i>The alternative Emergency Exit from the roof space area in the Temporary Custodial Module is unacceptable as a Means of Escape from the building.</i></p>	An alternative method or solution to meet the excessive travel distance of exiting the roof space. That is safe and easy to use should be installed and the existing exit decommissioned.	60 days

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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 workplace fire precautions legislation.

Note: Notwithstanding any consultation with other enforcing authorities undertaken by the Crown Premises Inspection Group, before you make any alterations to the workplace which constitutes building works you must apply to your local building control body (the local authority or an approved inspector) for any necessary approvals and to any other body which has a statutory interest in the workplace if their permission is required for those alterations to be made.

**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 You may appeal (under Article 35 of the Order) against an enforcement notice served (under Article 30 of the Order). The appeal is 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 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, and
 - (c) the Fire Inspector erred in the exercise of their discretion in serving the enforcement notice.

(b) Without prejudice to the breadth of the grounds of appeal set out in paragraphs (a) to (c)

(c) above, examples of situations in which an appeal may lie are where,

2. You dispute any of the facts in the notice which detail the steps which have to be taken in order to comply any provision of the Order.

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(b) You think that an unreasonable time period has been set for the taking of the steps set out in the notice.

- 3 The Fire Inspector 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:-

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London, SW1E 5DU

- 4 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 Fire Inspector may, at their discretion, grant) is a criminal offence under Article 32(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.



- 5 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.
- 6 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 and procedures for serious and imminent danger and for danger areas, and appointed to assist him/her in undertaking such preventive and protective measures as necessary.
- 7 Subject to Note 8, 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.
- 8 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 Fire and Rescue Authority cannot agree on the measures which are necessary to remedy the failure(s). Under article 36 of the Order you and the Fire Inspector 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.
- 9 It should be noted that in order to satisfy the "Environment and Safety Information Act 1988" the Fire and Rescue 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.
- 10 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 Inspector Rescue Authority.

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.

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The complaints procedure is as follows:

1. If you feel aggrieved you should make a complaint 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 the 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. An informal discussion should resolve most outstanding complaints.
3. If the above informal procedure fails to resolve your complaint then you should write formally to Chief Fire & Rescue Advisers Unit detailing the grounds for your complaint. The address to write to is:

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4. If you wish to discuss the notice further you should, in the first instance, contact the fire inspector detailed in the notice
5. You may 'appeal' against an enforcement notice served by using the complaints procedure detailed above. An 'appeal' may be brought on the grounds that you think that:

the service of an enforcement notice was based on an error of fact;
the service of the enforcement notice was wrong for any reason;
the fire inspector erred in the exercise of his discretion in serving the enforcement notice.

6. 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:

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7. (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 ;
8. (e) you think that an unreasonable time period has been set for the taking of the steps set out in the notice.
9. 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.

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.

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