

**CROWN PREMISES INSPECTION GROUP**

**CROWN ENFORCEMENT NOTICE**

**Premises Reference:** 4616/800/01 **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) [REDACTED]
<b>Premises to which the notification relates</b>	[REDACTED]	
<b>Crown Department responsible for the premises</b>	HM Prison Service	
<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 G, Fourth Floor Eland House Bressenden Place London SW1E 5DU  Telephone: 0303 444 3163 E-Mail: <a href="mailto:cpig@communities.gsi.gov.uk">cpig@communities.gsi.gov.uk</a>	

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 **6<sup>th</sup> December 2010**.

Direct Dial: 0303 444 3163  
Mobile: [REDACTED]  
E-Mail: [REDACTED]

**PROVIDING PROFESSIONAL ADVICE**

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 7<sup>th</sup> June 2010

[REDACTED]

[REDACTED]  
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 Fire Advisor through one of the methods of contact listed above.

# CROWN PREMISES INSPECTION GROUP

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## SCHEDULE

Premises: [REDACTED]

File Number: 4616/800/01

Sheet: 1 of 2

This schedule should be read in conjunction with the Inspector's notice dated 7<sup>th</sup> June 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".
13(1) & 7(5-6)	<p>Notwithstanding the requirement of Article 14(2)(f), that "emergency doors must not be so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency", can be disapplied in premises used for the keeping of persons in lawful custody; "the safety of relevant persons must nevertheless be ensured <u>as far as possible</u>".</p> <p>"Where necessary (whether due to the features of the premises, the activity carried on there, any hazards present or any other relevant circumstance) in order to safeguard the safety of relevant persons, the responsible person must ensure that the premises are, to the extent that is appropriate, equipped with appropriate...fire detectors and alarms".</p> <p>The Crown Premises Inspection Group advised, in a letter addressed to the Governor dated 27th September 2004, that "[REDACTED] the fire alarm was not sufficient to give early enough warning of fire...which could result in injury or death" and that extending the fire alarm system to include automatic fire detection [REDACTED] would improve this situation. Unfortunately, the Crown Premises Inspection Group's advice went unheeded at the time [REDACTED]</p> <p>[REDACTED]</p>	<p>In all areas where cellular accommodation is provided the fire alarm system should be upgraded to BS5839-1:2002 (with automatic fire detection to L2 standard), i.e. automatic fire detection, linked to the fire alarm system, within the means of escape, all rooms that discharge into the means of escape and any other areas of a potentially high fire risk.</p>

## 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.