

# CROWN PREMISES INSPECTION GROUP

## CROWN ENFORCEMENT NOTICE

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

Premises Reference: 2603/020/01 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) <b>Company Secretary</b>	(2)
<b>Premises to which the notification relates</b>	[REDACTED]	
<b>Company responsible for the premises</b>	<b>Serco Group PLC</b>	
<b>Fire Inspector</b>	Direct dial:	0303 444 3163
	Mobile:	[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]	

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, and the persons who may be on the premises or who may be affected by a fire on the 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.

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

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**You are required to take steps to remedy the failure(s) by 2<sup>nd</sup> April 2010.**

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

6. You have the right to appeal against this notice (see notes), by way of complaint for an order, to the Clerk to the Court of the Magistrates' Court acting for the petty sessions area in which your premises is located. If you wish to bring an appeal, you must do so within 21 days of the date this notice is served on you. The Magistrates' Courts Act 1980 will apply to the proceedings. The bringing of an appeal shall have the effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.

Signed

Dated 2<sup>nd</sup> December 2009

[REDACTED]

[REDACTED]

Chief Fire Officer's Advisory Unit  
Committee for Local Government  
Eland House  
4th floor, 150-159  
Bressenden Place  
London  
SW1E 5JF

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.

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.

**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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Mobile: [REDACTED]  
E-Mail: [REDACTED]

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# CROWN PREMISES INSPECTION GROUP

## CROWN ENFORCEMENT NOTICE

### SCHEDULE

Premises: [REDACTED]

File Number: 2603/020/01

Sheet; 1 of 3

This schedule should be read in conjunction with the Inspector's notice dated 2<sup>nd</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 & 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".
9(1)	<p><i>The responsible person must 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 this Order.</i></p> <p>There was no Fire Risk Assessment available for the premises.</p>	<p>Undertake a Fire Risk Assessment and Record your findings. Ensure any significant findings are addressed appropriately.</p>
13(3)(a) 13(3)(b)	<p><i>The responsible person must, where necessary—</i></p> <p><i>(a) take measures for fire-fighting in the premises, adapted to the nature of the activities carried on there and the size of the undertaking and of the premises concerned;</i></p> <p><i>(b) 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>Taking into consideration the nature of the premises, and the inherent extended evacuation times, there must be adequate procedures and sufficient training for staff to provide first-aid fire-fighting to ensure the safety of relevant persons.</p> <p>There are no adequate fire-fighting procedures or training for staff to follow to ensure the safety of relevant persons.</p>	<p>You must provide adequate fire-fighting procedures to ensure the safety of all relevant persons.</p> <p>You must also nominate sufficient competent persons to implement these measures and ensure they have sufficient training to do so.</p> <p>Provide periodical training for staff in the use of fire-fighting equipment. Any training should take into account the nature of the premises.</p>

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Mobile: [REDACTED]  
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	The only staff training currently provided in the use of fire-fighting equipment is during their induction training.	
15 (1)a	<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> <ol style="list-style-type: none"> <li>1. No adequate procedures to follow in the event of serious and imminent danger, specific to the premises, where evident.</li> <li>2. There is currently no provision to provide information to Custody Officers escorting custodies whilst in court. This was apparent during the recent fire as the Custody Officers brought the custody's back into the Custody suite whilst it was compromised by smoke.</li> </ol>	<ol style="list-style-type: none"> <li>1. Formulate a premises specific Emergency Plan; this should include actions to be taken in the event of an emergency and should be communicated to all staff and confirmed by the use of safety drills.</li> <li>2. Ensure adequate procedures are in place to ensure Custody Officers are informed of a fire in the custody suite. It was suggested that providing Custody Officers with a pager linked to the current court system will alert them to any emergency. This system would be satisfactory. But it should be noted, you may choose to make or implement other arrangement in order to comply.</li> </ol>
15 (1)b	<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>No nominated competent persons were identified or appointed to implement procedures in the event of an emergency.</p>	Nominate sufficient competent persons to implement procedures, and provide those persons with sufficient training to undertake those duties.
15(3)	<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>The only ongoing 'training' provided is not sufficient. Staff are currently required to complete a questionnaire on a given</p>	Once adequate procedures have been implemented and sufficient persons appointed. Those person must have sufficient knowledge or receive sufficient training.

	scenario. This is considered a 'test' of their current knowledge and not training.	
21 (1)	<p><i>The responsible person must ensure that his employees are provided with adequate safety training</i></p> <p>Currently staff only receive fire safety training during their induction. There is no program to provide periodical fire safety training.</p>	<p>Ensure all staff receive periodical Fire Safety training.</p> <p><b>To clarify the failures identified regarding training.</b> This article refers to general fire awareness of all staff. Article 13 specifies training in the use of fire-fighting equipment, for any person expected to undertake fire-fighting duties. Article 15 specifies training for staff nominated to implement procedures in the event of serious and imminent danger.</p>
22 (1) a	<p><i>Where two or more responsible persons share or have duties in respect of a premise they must</i></p> <p><i>(a) co-operate with the other responsible person concerned so far as is necessary to enable them to comply with the requirements and prohibitions imposed on them by or under this Order;</i></p> <p>There are currently no satisfactory arrangements to ensure adequate co-operation and co-ordination between Serco Group PLC and HMCS</p>	<p>In order to ensure your procedures for serious and imminent danger are sufficient, and to ensure that your fire safety arrangements provided and maintained by HMCS are sufficient, you must co-operate and co-ordinate with HMCS.</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 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,
  - (c) the Fire and Rescue Authority 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,

- (a) You dispute any of the facts in the notice which detail the steps which have to be taken in order to comply with any provision of the Order.
- (b) You think that an unreasonable time period has been set for the taking of the steps set out in the notice.

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 Fire and Rescue Authority 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.
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 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.
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 Fire and Rescue Authority cannot agree on the measures which are necessary to remedy the failures(s), then under article 36 of the Order you and the Fire and Rescue 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.

## 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-