

Freedom of Information request: Reference number FOI2024/00111

Date of request: 3rd December

Request:

Enforcement Notices or Inspection Reports for Frobisher Court SE23 3XH

The previous Enforcement Notices over the last 10 years for the aforementioned HRB which included the observations or otherwise for the absence or sub-standard nature of open vents in the common areas.

Response:

Our Fire safety regulatory team have confirmed we hold two Enforcement notices and one Notification of Deficiencies for Frobisher Court in the last 10 years.

An Enforcement notice was issued on 12 December 2017 with an extension of time being granted on 07 March 2018 and a letter confirming the enforcement notice had been complied with dated 15 November 2018. I have attached below the enforcement notice and letter confirming the enforcement has been complied with. Please note that personal data has been removed from the attached document under [section 40 of the FOIA – Personal Information](#).

An audit was carried out on 12th November 2018 and the outcome of this audit was Broadly compliant which resulted in the letter confirming the enforcement had been complied with. I have attached this audit report below.

A Fire safety Audit was conducted on Frobishers Court on 03rd July 2020. The outcome of this report was high risk with an enforcement notice being issued. I have attached this enforcement notice below.

Another audit was conducted on 15th November 2023. The outcome of this report was low risk with a Notification of Deficiencies issued. I have attached a copy of the NOD below.

Where a Fire Safety Audit results in a notice being issued by the Brigade, the reports themselves are exempt from release under the FOIA provisions under [Section 31 of the FOIA - law enforcement](#) (Section 31(1)(g) combined with 31(2) (a) and 31(2) (c)).

When the LFB identifies any safety concerns, we make this information available to the public by supplying copies of any informal notification of fire safety deficiencies (NOD) issued, and through access to [the public register](#) of any formal enforcement action. We clearly understand that there is public interest and concern about knowing about the fire safety of the buildings in which people live, work or visit however we need to maintain a balance between the public interest in safety and the Brigade's ability to work with responsible persons in a safe space where honest, frank and meaningful discussions can take place.

It is important that enforcing authorities are assisted in their investigations if witnesses and those responsible for compliance with regulations are willing to cooperate with the investigation on a voluntary basis and investigators are able to take full contemporaneous notes (that are recorded on the audit

forms) and enter in discussions (either verbally, or by correspondence) with those involved to enable them to explore all aspects of the case and then arrive at a decision as to the appropriate action to take. We have dealt with your request under the Freedom of Information Act 2000. For more information about this process please see the guidance we publish about making a request on our website: <https://www.london-fire.gov.uk/about-us/transparency/request-information-from-us>

The Chief Executive
The Dulwich Estate
The Old College
Gallery Road
Dulwich
SE21 7AE

The London Fire Commissioner is the
fire and rescue authority for London

Date 15 November 2018
Our Ref 90/190177/

Dear Sir/Madam,

REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Premises: Frobisher Court, Sydenham Rise, London SE23 3XH

The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (The Order) in London.

Further to the recent inspection by an authorised officer I confirm that the works specified in the Enforcement Notice dated **12 December 2017**, issued by the Commissioner in respect of the above mentioned premises have been satisfactorily completed within the specified time limit. The Enforcement Notice has been complied with and at the time of the inspection the premises were deemed to comply with the above Order.

Should the circumstances change in the future affecting the risk to persons in case of fire, a further risk assessment of the premises should be carried out and the findings addressed. The law requires that if you have:

- 5 or more employees,
- a licence under an enactment in force in respect of the premises, or
- an alterations notice in force requiring such,

your risk assessment should be recorded and made available for future inspection in order to ensure continued compliance with the Order.

Any queries regarding this letter should be addressed to the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours faithfully,

for Assistant Commissioner (Fire Safety)

Directorate of Operations

FSR-AdminSupport@london-fire.gov.uk

Direct T 0208 555 1200 [REDACTED]

Cc.: [REDACTED] The Dulwich Estate, The Old College, Gallery Road, Dulwich SE21 7AE



The Chief Executive
The Dulwich Estate
The Old College
Gallery Road
Dulwich
SE21 7AE

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 12 December 2017
Our Ref 90/190177

ENFORCEMENT NOTICE

Notice requiring steps to be taken under Article 30 of the Regulatory Reform (Fire Safety) Order 2005

TO :

Name: **The Dulwich Estate**

Address: **The Old College, Gallery Road, Dulwich, SE21 7AE**

Concerning Premises at: **Frobisher Court, Sydenham Rise, London SE23 3XH**

I Dan Daly, Assistant Commissioner (Fire Safety Regulation) on behalf of the London Fire & Emergency Planning Authority (the Authority) hereby give you notice that the Authority is of the opinion that you, as a person being under an obligation to do so, have failed to comply with the duties placed upon you by the Regulatory Reform (Fire Safety) Order 2005 (the Order) in respect of the above named premises, the relevant persons who may be on the premises or who may be affected by a fire on the premises.

The matters which, in the opinion of the Authority, constitute the failure(s) to comply with the Order are specified in the Schedule of Fire Safety Observations attached to this notice. The Authority is further of the opinion that the steps identified in the schedule to this notice must be taken to remedy the specified failure(s) and comply with the Order.

The relevant extracts of the legislation are attached.

There may be suitable alternative safety measures, to those detailed in this notice that would meet the requirements of the order. If you wish to propose or discuss any alternative measures you should contact the person named below, before you take any action, to ensure that your proposed measures will be deemed satisfactory by the Authority.

The steps must be taken by **3 April 2018** (or such extension if granted by the Authority).

Unless the steps identified in the schedule attached to this notice have been complied with, or such other steps are taken to remedy the failures in consultation with the Authority, you will be deemed not to have complied with this notice.

If you fail to comply with the requirements of this notice, you may have committed an offence. The Authority may consider a prosecution against you. If you are found guilty, you will be liable to a fine or imprisonment (or both).

You have the right to appeal against this notice, 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' Court Act 1980 will apply to the proceedings. The bringing of an appeal will suspend the operation of this enforcement notice. An appeal against an enforcement notice served under Article 30 of the Regulatory Reform (Fire Safety) Order 2005, may be brought on any grounds. These may include that you are aggrieved:

- a) by anything mentioned in the notice with respect to the premises concerned, or the relevant persons as defined by the Order, being a step which must be taken in order to comply with the Order; or
- b) by the period allowed by such a notice for the taking of any steps mentioned in it.

If at any time you wish to discuss the requirements of this notice, or are experiencing difficulty in carrying out the work, please contact [REDACTED]

Signed:

[REDACTED]

Dated: 12 December 2017

Assistant Commissioner
(The Officer appointed for the purpose)

The contents of this notice are without prejudice to any requirements or recommendations that may be made by the Authority under the Petroleum (Consolidation) Regulations 2014, or either the local authority or the Health and Safety Executive under any other Act of Parliament or Regulation for which they are the enforcing authority. Approval will normally be required under the Building Regulations for any building works for which you are obliged to notify the local Building Control Officer under the Building Regulations 2010 or an Approved Inspector under the Building (Approved Inspectors etc) Regulations, 2010.

Reply to [REDACTED]
Direct T 0208 555 1200 [REDACTED]
FSR-AdminSupport@london-fire.gov.uk

Encl: FS03_01a
FS03_01b
FS03_06

Cc: [REDACTED] The Dulwich Estate, The Old College, Gallery Road, Dulwich, SE21 7AE

ENVIRONMENT AND SAFETY INFORMATION ACT 1988

SECTION 4 - PROTECTION OF TRADE SECRETS

The above Act requires the London Fire and Emergency Planning Authority to maintain public registers of notices issued under Article 30 of the Regulatory Reform (Fire Safety) Order 2005, (other than those which impose requirements or prohibitions solely for the protection of persons at work) and Sections 21 and 22 of the Health and Safety at Work etc, Act 1974.

Provisions are made within the Act for persons on whom the above notices are served to appeal against any proposed entry in the register which may disclose "trade secrets" or "secret manufacturing processes".

Entries in the register are required to be made after the period for appeal against the notice expires or after any appeal is disposed of.

If you feel that any such entry would disclose information about a trade secret or secret manufacturing process you may write to the Fire Authority within a period of 14 days following the service of the notice, requesting exclusion of these details (see Section 4 of the 1988 Act).

Notes relating to Schedule of Fire Safety Audit Observations attached to this notice.

Important information to consider before taking remedial steps:

1. Words written in BLOCK CAPITALS in the attached schedule are standard terms defined in "Definitions of standard terms used in means of escape requirements" which form part of this schedule.
2. Officers of the Authority may visit your premises during the course of the notice, to ensure the dates within this plan are being followed.
3. Notwithstanding any consultation undertaken by the fire authority, **before** you make any alterations to the premises, **you** must apply for local authority building control department 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.
4. There may be suitable alternative safety measures to those detailed in the attached schedule, which would meet the requirements of the Order. If you wish to propose or discuss any alternative measures you should get in touch with the person named as the contact above, before you take any action, to ensure that your proposed measures are deemed satisfactory by the Authority.
5. Remedial steps must be undertaken by a competent person who has sufficient training, experience, knowledge or other qualities to enable him or her to properly undertake them.
6. We recommend that remedial steps are undertaken in accordance with the appropriate British or European Standards, or recognised industry guidance.

SCHEDULE

PREMISES: Frobisher Court, Sydenham Rise, London SE23 3XH

File Number: 90/190177

This schedule should be read in conjunction with the Authority's Notice dated **12 December 2017**.

The condition(s) specified in the Regulatory Reform (Fire Safety) Order 2005, were being contravened and the following step(s) need(s) to be taken in order to comply with the above legislation:

Article	Area of Concern	Steps Considered necessary to remedy the contravention.
Article 14	At the time of the audit the emergency routes or exits were inadequate. It was found that there was excessive storage in along the emergency escape routes.	Ensure adequate emergency routes and exits, for use by relevant persons in the premises, are available and can be safely and effectively used at all relevant times. This can be achieved by ensuring residents do store item along the emergency escape routes
Article 17	The PROTECTED ROUTE has been compromised by the fitting of doors that do not provide 30 minutes fire protection to the access route. At the time of the audit the leaseholders of flats 3, 6, 18, 25 & 28 had not retrospectively fitted self-closers and cold smoke seals/intumescent strips to their existing Georgian wired flat front doors or changed the flat front doors to FD30s.	Ensure the access corridor is returned to its intended state as a PROTECTED ROUTE to afford protection from fire in a flat to relevant persons who may require use of that corridor for safe escape from the premises in case of fire. Remedial work that may be necessary for this purpose, must be assessed and completed by a competent person who is practised in application of the relevant standards for means of escape. Your attention is drawn to the provisions of subsections (2) (3) and (4) of Article 17 of the Regulatory Reform (Fire Safety) Order 2005 in the attached extracts of legislation. You are advised that walls in PROTECTED ROUTES should have a minimum of 60 minutes fire resistance. Openings in the walls leading to accommodation off a PROTECTED ROUTE (including doors in entrance ways, service openings, borrowed light glazing, holes around cables trunking and pipework) should be of a minimum 30 minutes fire resistance. Available means the responsible person could use to comply with Article 17 (1) may include enforcing terms of lease and Landlord and Tenant / Property legislation as lessor/owner.

Article 8	At the time of the audit the general fire precautions as identified in the significant findings of your fire risk assessment had not been implemented. It was found that no action appeared to have been put in place to address the issue of some leaseholders not having carried remedial works required to ensure their doors provide at least 30 minutes FIRE RESISTANCE.	Implement the significant findings of your fire risk assessment, in particular ensuring that all flat front doors afford at least 30 minutes FIRE RESISTANCE.
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*****RECOMMENDATIONS NOT FORMING REQUIREMENTS OF THE SCHEDULE*****

The Authority would strongly urge that you consider the presence of combustible façade cladding materials as part of the risk assessment process for these premises. All relevant information about any replacement window and facade schemes should be made fully available to fire risk assessors. Where no reliable information is available for a given property, a strategy to assess the risk and where necessary implement short, medium and long term actions to address the risk should be implemented.

Where remedial measures are to be undertaken to which consultation requirements under Section 20 of the Landlord and Tenant Act 1985 will apply, the Authority would urge you to consider application of the disapplication provisions under Section 20ZA of that Act.

LONDON FIRE BRIGADE - FIRE SAFETY REGULATION

Fire Safety Audit Summary

Audit Information

Audited By [REDACTED]
Audit Completed 12 November 2018

Location Summary

File No: 90/190177
UPRN: 100023679486
Building Name: FROBISHER COURT
Address: SYDENHAM RISE
LONDON
SE23 3XH
Use: D - Purpose Built Flats >=4 floors
Borough: Lewisham
Responsible Team: FSR Greenwich & Bexley
Station Ground: E31 - Forest Hill
Risk Score: 4.75
Number of Floors: Total: 9 Basement: 0
No. of Beds: 0
Special Features:
Additional Detail: No dry rising main or fire fighting lift.
Environmental Risks:
Site Reinspection Date:
Heritage Building:
Petroleum Redevelopment:
Fire Fighter Risk: Low

Inspected property summary

Occupier Contact:
Address: FROBISHER COURT
SYDENHAM RISE
LONDON
SE23 3XH
Responsible Team: FSR Southwark & Lewisham
Occupancy Type: Sole Occupier
Use: D - Purpose Built Flats >=4 floors
Valuation Office: R3 - Flats/Mais 4 Flrs and over PB
Risk Score: 4.75
Total Capacity: 0
Maximum Number of people: 50 - 99
Property Size for Use: Small

In M²: 3001 to 5000

Environmental Risks:

Building features that may assist fire spread:

Flammable Materials

Stored:

Type:

Contacts

Contact Type	Occupier
Sole Supplier Risk	
Name	Default Property
Responsible Person	
Position	
Address	Frobisher CourtSydenham RiseLONDONSE23 3XH
Telephone	
Fax	
Email	
URL	
Contact Type	Owner/Co-Owner
Sole Supplier Risk	
Name	Dulwich Estates
Responsible Person	Chief Executive
Position	
Address	The Dulwich EstateThe Old College18 Gallery RoadLONDONSE21 7AE
Telephone	
Fax	
Email	
URL	
Contact Type	On Site Representative
Sole Supplier Risk	
Name	Dulwich Estates
Responsible Person	
Position	Senior Estate Surveyor
Address	The Dulwich EstateThe Old College18 Gallery RoadLONDONSE21 7AE
Telephone	
Fax	
Email	
URL	
Contact Type	Other relevant contact
Sole Supplier Risk	
Name	Dulwich Estates
Responsible Person	
Position	Residential Management Surveyor
Address	The Dulwich EstateThe Old CollegeGallery RoadDulwichSE21 7AE
Telephone	
Fax	
Email	
URL	

Enforcement History

Infringements:

Type	Date	Prohibition Restriction Date	Prosecution Date
Art30 Enforcement	2017-12-12		

Articles

Article 9 - Risk Assessment

SAFETY CRITICAL

Has a suitable and sufficient Fire Safety Risk Assessment been carried out for the premises?

"The responsible person shall make a suitable and sufficient assessment of the risks to which relevant persons are exposed to identify the preventive & protective measures"

Compliance
Level: Broadly Compliant

Observations: 09/11/2018 10:03: Since the initial Enforcement Notice was served Dulwich Estates have undertaken a review of their FRA for this block and significant findings raised within it have been satisfactorily addressed. 03/11/2017 14:18: A fire risk assessment has been carried out on 8/8/2017 and is suitable and sufficient. There is also a schedule of works in place to address the significant findings of the FRA.

Article 10 - Principles of prevention to be applied

SAFETY CRITICAL

Have any preventative and protecting measures been implemented?

"Where the responsible person implements any preventative and protective measures he must do so on the basis of the principles specified in Part 3 of schedule 1"

Compliance
Level: Broadly Compliant

Observations: 12/11/2018 08:26: There is no smoking permitted in the common parts and there are weekly inspections of the common parts and bin storage area to ensure no potentially combustible items are left or dumped in these areas. 03/11/2017 14:37: The risk assessment details the risk reduction measures.

Article 11 - Fire Safety Arrangements

SAFETY CRITICAL

Is there effective Fire Safety Management?

"The responsible person shall make appropriate arrangements for the effective planning, organisation control, monitoring & review of preventive and protective measures"

Compliance
Level: Broadly Compliant

Observations: 09/11/2018 10:05: Dulwich Estates have a put in place a more robust system in place for monitoring the common parts of their blocks within this this estates since the enforcement notice and no deficiencies were observed at the time of this audit. 03/11/2017 14:19: Dulwich Estates have an auditable management system in place, the issues which require remedial works has been identified and there is an action plan in place to address these.

Article 17 - Maintenance

SAFETY CRITICAL Are fire safety provisions being adequately maintained?	<i>"Where necessary in order to safeguard the safety of relevant persons, the responsible person must ensure that the premises and facilities, equipment & devices provided. are subject to a suitable system of maintenance, in an efficient state, in efficient working order and in good repair"</i>
Compliance Level: Broadly Compliant	Observations: 09/11/2018 11:05: Since the Enforcement Notice Dulwich Estates have had their lease holders either retrospectively fit self-closers and cold smoke seals/intumescent strips to their existing Georgian wired flat front doors or changed the flat front doors to FD30s'. During my follow up audit I sampled a number of flat doors on all floors. I have recommended to Dulwich Estates that they put procedures in place to monitor the condition and maintenance of the flat doors as to ensure compliance is maintained. 03/11/2017 14:22: At the time of the audit the majority of the lease holders have either retrospectively fitted self-closers and cold smoke seals/intumescent strips to their existing Georgian wired flat front doors or changed the flat front doors to FD30s'. However, it was noted during the audit that there were still some leaseholders who were still not cooperating with the responsible person for the premises audited for the purpose of maintaining the facilities, equipment and devices which affect the common parts and the means of escape.

Article 38 - Maintenance of Measures Provided for Protection of Fire-Fighters Safety Critical

SAFETY CRITICAL Are suitable arrangements in place to ensure that facilities, equipment and devices for use by or the protection of fire fighters are maintained in an efficient state, in efficient working order and in good repair?	<i>"Where necessary, to safeguard the safety of fire-fighters in the event of fire, the responsible person must ensure facilities, equipment and devices provided use by or protection of fire-fighters suitable system of maintenance maintained working order and in good repair"</i>
Compliance Level: Not Applicable	Observations:

Article 19 - Provision of information to employees

Is adequate provision made to provide information to employees?	<i>"The responsible person must provide his employees with comprehensible and relevant information"</i>
Compliance Level: Not Applicable	Observations:

Article 20 - Provision of information to employers and the self-employed from outside undertakings

Is adequate information provided to employers and employees from outside undertakings?	<i>"The responsible person must ensure that comprehensible and relevant information is provided to employees from outside undertakings and to ensure such employees from outside undertakings are provided with appropriate instructions and comprehensible and relevant information regarding any risks to that person"</i>
Compliance Level: Not Applicable	Observations:

Article 22 - Co-operation and co-ordination

Is there adequate co-operation and co-ordination between responsible persons where there are two or more sharing responsibilities or have duties in respect of premises?

"Where two or more responsible persons share, or have duties in respect of, premises (Whether on a temporary or a permanent basis) each such person must, co-operate, Take all reasonable steps to co-ordinate necessary measures, and provide information"

Compliance Level: Not Applicable

Observations:

Article 21 - Training

SAFETY CRITICAL
Are employees being effectively trained?

"The responsible person must ensure that his employees are provided with adequate safety training"

Compliance Level: Not Applicable

Observations:

Article 12 - Elimination or reduction of risks from dangerous substances

SAFETY CRITICAL
Are suitable arrangements in place to manage the elimination or reduction of risks from dangerous substance?

"Where a dangerous substance is present . the responsible person shall ensure that risk related to the . substance is either eliminated or reduced as far as is reasonably practicable"

Compliance Level: Not Applicable

Observations:

Article 18 - Safety assistance

Are there adequate number of competent persons and arrangements in place to assist the responsible person in undertaking the preventative and protective measures?

"The responsible person must appoint competent persons to assist him in undertaking preventive and protective measures"

Compliance Level: Not Applicable

Observations:

Article 14 - Emergency routes and exits

SAFETY CRITICAL
Is effective means of escape provided and maintained?

"Where necessary to safeguard the safety of relevant persons in case of fire the responsible person must ensure that routes to emergency exits, and exits, are kept clear at all times and where required, to be adequately illuminated by emergency lighting"

Compliance Level: Broadly Compliant

Observations: 09/11/2018 10:07: Since the previous Enforcement Notice Dulwich Estates has improved its monitoring of the routes intended to be used in the event of an emergency and there were no major issues observed at the time of the audit. 03/11/2017 14:19: At the time of the audit, excessive storage was observed along the emergency routes on some floors.

Article 8 - General Fire Precautions

SAFETY CRITICAL
Are employers carrying out their general fire precaution responsibilities?

"The responsible person must - Take such general precautions as will ensure, so far as is reasonably practicable, the safety of any of his employees or relevant persons" (see Article 4, meaning of general fire precautions)

Compliance Level: Broadly Compliant

Observations: 12/11/2018 08:25: The risk assessment details the risk reduction measures. At the time of the audit there were no compartmentation issues observed. 03/11/2017 14:23: At the time of the audit significant findings of the fire risk assessment have not been implemented.

Article 13 - Fire Warning Arrangements

SAFETY CRITICAL

Are effective fire warning arrangements provided?

"Where necessary, the responsible person must ensure that the premises are equipped with appropriate fire detection equipment, alarms, and fire-fighting equipment"

Compliance Level: Broadly Compliant

Observations: 09/11/2018 10:06: The residents I spoke to during the sampling of the flat front doors confirmed that they had working single point detection within their flats. There is no requirement for detection and warning within the common parts. 03/11/2017 14:19: The systems required by this article are suitable and sufficient. At the time of the audit it was noted that there was single point smoke detectors fitted in the common parts of the block of flats.

Article 15 - Procedures for serious and imminent danger and for danger areas

SAFETY CRITICAL

Are there adequate procedures for serious and imminent danger and for danger areas?

"The responsible person must establish & where necessary give effect to, procedures, to be followed in the event of serious & imminent danger to relevant persons, nominate competent persons to implement procedures, inform & instruct relevant persons concerned"

Compliance Level: Broadly Compliant

Observations: 09/11/2018 10:21: At the time of the audit the emergency evacuation plan for this premises was a "Stay Put" policy. 03/11/2017 14:20: An appropriate emergency evacuation plan is in place, which is a "Stay Put" policy.

Article 37 - Fire-Fighters Switches for Luminous Discharge Tubes

Has suitable notice been given to the fire authority regarding the installation of fire-fighters switches? "Prescribed voltage" means:

1000v AC or 1500v DC between two conductors. 600 v AC or 900 v Dc between conductor and earth

Compliance Level: Not Applicable

"This article applies to apparatus" "designed to work at a voltage exceeding the prescribed voltage" "The cut off switch must be" "placed, coloured or marked as to satisfy" "the fire authority" The responsible person must give suitable notice to the fire authority showing where the cut off switch is to be sited, coloured or marked"

Note This article does not apply to licensed premises authorised to for the exhibition of a film

Observations:

Article 23 - General duties of employees at work

Are employees carrying out their

"Every employee must, while at work take reasonable care for the safety of himself and others, co-operate with their employer,

general duties while at work? *inform their employer or any other employee with specific responsibility for the safety of his fellow employees of any hazard"*
Compliance Level: Not Applicable Observations:

The following articles do not attract a score and are for information only (primarily to inform Government IRMP returns); however these issues should be considered when applying the EMM.

Article 27 - Powers of inspectors

Has the Responsible Person prevented an inspector from exercising their powers under this Article where a prosecution has **not** been taken
No (Compliant)

Article 29 - Current alterations notices

Has the Responsible Person failed to comply with any alterations notice served on the premises where a prosecution has **not** been taken
No (Compliant)

Article 30 - Current enforcement notices

Has the Responsible Person failed to comply with any enforcement notice served on the premises where a prosecution has **not** been taken
No (Compliant)

Article 31 - Current prohibition notices

Has the Responsible Person failed to comply with any prohibition notice served on the premises where a prosecution has **not** been taken
No (Compliant)

Article 32 - Offences

Has the Responsible Person failed to comply with any other Article, not mentioned elsewhere on this form, where a prosecution has **not** been taken
No (Compliant)

Article 24 - Power to make Regulations

Article 24 Secretary of State's Power to make additional regulations about fire precautions
No (Compliant)

Overall Safety Standard

Broadly Compliant

Observations:

Management Compliance Level

Management Compliance Level: 1 - Well above average

Initial Expectation: Verbal Action

Considered EMM

Confirmed Action: Verbal Action

Audit Conclusion: 12/11/2018 08:35

This audit was an Enforcement follow up carried out on the 25/7/2018 and the RP was present.

Frobisher Court is a purpose built block of flats built between the late 50s early 60s and is

owned and managed by the Dulwich Estates with leaseholder occupancy. The block comprises of a lower ground, ground and 8 upper floors. The block is served by a single passenger lift which opens directly onto the common hallway and a single stair which is lobbied on a floors. From 1st to 8th floors there are also permanently opened vents on the communal hallway and there is no dry riser fitted.

As part of this audit the emergency escape route, bin refuse areas and flats front doors No. [REDACTED] were sampled.

The enforcement notice was served on 14/11/2017 for failings under Articles 8, 14 and 17. At the time of audit I was satisfied that failings under these articles had been addressed however, there was minor leaseholder issues that Dulwich Estates will have to continue to monitor going forward in regards to ensuring the self closing devices and flat front doors are maintained to ensure the protected route is preserved.

As part of the audit I also recommendations to the representative from Dulwich Estates that consideration be given to the installation of a Fire Fighter lift as part of any upgrading to lift system within the block and to the retro fitting of a dry rising main to aid fire fighting operations should there incident at this premises.

12/11/2018 08:27

Initial Expectation: Verbal action

Specific instructions for Admin to action

Hi Admin please issue a FS_03_04 letter of compliance to: [REDACTED] Chief Executive, The Dulwich Estate, The Old College, Gallery Road, Dulwich, SE21 7AECC: [REDACTED], Residential Management Surveyor, The Dulwich Estate, The Old College, Gallery Road, Dulwich, SE21 7AE

Audit Calculation & Signature

Management Compliance Level:	1 - Well above average
Property Risk Group:	B - Sleeping familiar or Licensed Premises
Life Risk:	-6
Relative Risk:	4.25
Signature of Occupier:	
Date Completed	

The Company Secretary
Dulwich Estates Services Limited
The Old College
18 Gallery Road
Dulwich
London
SE21 7AE

The London Fire Commissioner is the
fire and rescue authority for London

Date 8th July 2020
Our Ref 90/190177/

ENFORCEMENT NOTICE

Notice requiring steps to be taken under Article 30 of the Regulatory Reform (Fire Safety) Order 2005

TO :

Name: **Dulwich Estates Services Limited**

Address: **The Old College, 18 Gallery Road, Dulwich, London, SE21 7AE**

Concerning Premises at: **Frobisher Court, Sydenham Rise, London, SE23 3XH**

The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (The Order) in London.

I Paul Jennings, Assistant Commissioner (Fire Safety Regulation) on behalf of the Commissioner hereby give you notice that the Commissioner is of the opinion that you, as a person being under an obligation to do so, have failed to comply with the duties placed upon you by the Regulatory Reform (Fire Safety) Order 2005 (the Order) in respect of the above named premises, the relevant persons who may be on the premises or who may be affected by a fire on the premises.

The matters which, in the opinion of the Commissioner, constitute the failure(s) to comply with the Order are specified in the Schedule of Fire Safety Observations attached to this notice. The Commissioner is further of the opinion that the steps identified in the schedule to this notice must be taken to remedy the specified failure(s) and comply with the Order.

The relevant extracts of the legislation are attached.

There may be suitable alternative safety measures, to those detailed in this notice that would meet the requirements of the order. If you wish to propose or discuss any alternative measures you should contact the person named below, before you take any action, to ensure that your proposed measures will be deemed satisfactory by the Commissioner.

The steps must be taken by **3rd February 2021** (or such extension if granted by the Commissioner).

Unless the steps identified in the schedule attached to this notice have been complied with, or such other steps are taken to remedy the failures in consultation with the Commissioner, you will be deemed not to have complied with this notice.

If you fail to comply with the requirements of this notice, you may have committed an offence. The Commissioner may consider a prosecution against you. If you are found guilty, you will be liable to a fine or imprisonment (or both).

You have the right to appeal against this notice, 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' Court Act 1980 will apply to the proceedings. The bringing of an appeal will suspend the operation of this enforcement notice. An appeal against an enforcement notice served under Article 30 of the Regulatory Reform (Fire Safety) Order 2005, may be brought on any grounds. These may include that you are aggrieved:

- a) by anything mentioned in the notice with respect to the premises concerned, or the relevant persons as defined by the Order, being a step which must be taken in order to comply with the Order; or
- b) by the period allowed by such a notice for the taking of any steps mentioned in it.

If at any time you wish to discuss the requirements of this notice, or are experiencing difficulty in carrying out the work, please contact **Inspecting Officer** [REDACTED]

Signed:

[REDACTED]

Assistant Commissioner
(The Officer appointed for the purpose)

Dated: 8th July 2020

The contents of this notice are without prejudice to any requirements or recommendations that may be made by the Commissioner under the Petroleum (Consolidation) Regulations 2014, or either the local authority or the Health and Safety Executive under any other Act of Parliament or Regulation for which they are the enforcing authority. Approval will normally be required under the Building Regulations for any building works for which you are obliged to notify the local Building Control Officer under the Building Regulations 2010 or an Approved Inspector under the Building (Approved Inspectors etc) Regulations, 2010.

Reply to Inspecting Officer [REDACTED]
Direct T 020 8555 1200 [REDACTED]
FSR-AdminSupport@london-fire.gov.uk

Encl: FS03_01a, FS03_01b, FS03_06

Cc: [REDACTED] Frobisher Court Residents' Association - [REDACTED]

ENVIRONMENT AND SAFETY INFORMATION ACT 1988

SECTION 4 - PROTECTION OF TRADE SECRETS

The above Act requires the London Fire Commissioner to maintain public registers of notices issued under Article 30 of the Regulatory Reform (Fire Safety) Order 2005, (other than those which impose requirements or prohibitions solely for the protection of persons at work) and Sections 21 and 22 of the Health and Safety at Work etc, Act 1974.

Provisions are made within the Act for persons on whom the above notices are served to appeal against any proposed entry in the register which may disclose "trade secrets" or "secret manufacturing processes".

Entries in the register are required to be made after the period for appeal against the notice expires or after any appeal is disposed of.

If you feel that any such entry would disclose information about a trade secret or secret manufacturing process you may write to the Commissioner within a period of 14 days following the service of the notice, requesting exclusion of these details (see Section 4 of the 1988 Act).

Notes relating to Schedule of Fire Safety Audit Observations attached to this notice.

Important information to consider before taking remedial steps:

1. Words written in BLOCK CAPITALS in the attached schedule are standard terms defined in "Definitions of standard terms used in means of escape requirements" which form part of this schedule.
2. Officers of the Commissioner may visit your premises during the course of the notice, to ensure the dates within this plan are being followed.
3. Notwithstanding any consultation undertaken by the Commissioner, **before** you make any alterations to the premises, **you** must apply for local authority building control department 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.
4. There may be suitable alternative safety measures to those detailed in the attached schedule, which would meet the requirements of the Order. If you wish to propose or discuss any alternative measures you should get in touch with the person named as the contact above, before you take any action, to ensure that your proposed measures are deemed satisfactory by the Commissioner.
5. Remedial steps must be undertaken by a competent person who has sufficient training, experience, knowledge or other qualities to enable him or her to properly undertake them.
6. We recommend that remedial steps are undertaken in accordance with the appropriate British or European Standards, or recognised industry guidance.

SCHEDULE

PREMISES: Frobisher Court, Sydenham Rise, London, SE23 3XH

FILE NUMBER: 90/190177

This schedule should be read in conjunction with the Commissioner's Notice dated **8th July 2020**.

The condition(s) specified in the Regulatory Reform (Fire Safety) Order 2005, were being contravened and the following step(s) need(s) to be taken in order to comply with the above legislation:

Article	Area of Concern	Steps Considered necessary to remedy the contravention.
Article 11	<p>At the time of the audit your preventative and protective measures had not been planned, organised, controlled, monitored or reviewed where required. It was found that:</p> <p>1) The monitoring and control of combustibles within the protected escape routes has not been undertaken.</p> <p>2) Lack of monitoring of the block as a whole, for issues with fire doors/or lack of defects with doors.</p> <p>3) Lack of planning and organisation of emergency lighting throughout the premises. (None on staircase between ground and 1st floors).</p>	<p>Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.</p>
Article 14	<p>At the time of the audit the emergency routes or exits were inadequate. It was found that:</p> <p>1) The protected corridor had inadequate FIRE RESISTANCE due to the lack of fire doors within the block.</p> <p>2) There was a lack of adequate emergency lighting, particularly in the staircase between ground and first floors.</p> <p>3) There were open vents from chute rooms and large gaps underneath the doors (which do not appear to be fire doors) which, should a fire start in there, would render the escape routes impassable if required.</p>	<p>Ensure adequate emergency routes and exits, for use by relevant persons in the premises, are available and can be safely and effectively used at all relevant times. This can be achieved by:</p> <p>1) Ensuring that all doors leading onto the protected corridor have 30 minute FIRE RESISTANCE. This must include intumescent strips and cold smoke seals, as well as a positive action overhead self closing device.</p> <p>2) Ensure that there is sufficient emergency lighting throughout the premises, in particular the single staircase.</p> <p>3) Ensure that all chute doors are fire doors. Also, if any vents are required, ensure they are installed with intumescent seals, to prevent any smoke or fire entering the single means of escape route. Or, ensure that they are reconfigured to vent externally.</p>

Article 17	<p>At the time of the audit you had not ensured that a suitable system of maintenance was in place in your premises. It was found that:</p> <p>1) No evidence was provided to show that the emergency lighting is subject to its monthly flick tests or annual services.</p> <p>2) No evidence was provided to show that the fixed Wiring Electrical Installation certificate is current and satisfactory.</p>	<p>Arrange initial and ongoing maintenance to ensure fire safety measures are kept in an efficient state, working order and good repair. This can be achieved by:</p> <p>1) Provide evidence to show that the emergency lighting is subject to its monthly flick tests and annual services.</p> <p>2) Provide evidence to show that the fixed Wiring Electrical Installation certificate is current and satisfactory.</p>
Article 17	<p>The corridors, lobbies and stairs used for access to and from flats in the premises (the access route(s)) are intended for use by relevant persons as a PROTECTED ROUTE. This route should provide a safe means of escape in event of fire and must be maintained in an efficient state, in efficient working order and good repair.</p> <p>During the audit it was found that the responsible person for management of the access route has not prevented or addressed deficiencies in the FIRE RESISTANCE of the PROTECTED ROUTE and/or required rectification of defects that have arisen in, and/or alterations made to, the protection to the access route.</p> <p>The PROTECTED ROUTE has been compromised by the fitting of doors that do not provide 30 minutes fire protection to the access route. This must be fitted with intumescent strips, cold smoke seals and positive action, overhead, self closing devices.</p>	<p>Ensure the access corridor is returned to its intended state as a PROTECTED ROUTE to afford protection from fire in a flat to relevant persons who may require use of that corridor for safe escape from the premises in case of fire. Remedial work that may be necessary for this purpose, must be assessed and completed by a competent person who is practised in application of the relevant standards for means of escape.</p> <p>Your attention is drawn to the provisions of subsections (2) (3) and (4) of Article 17 of the Regulatory Reform (Fire Safety) Order 2005 in the attached extracts of legislation. You are advised that walls in PROTECTED ROUTES should have a minimum of 60 minutes FIRE RESISTANCE. Openings in the walls leading to accommodation off a PROTECTED ROUTE (including doors in entrance ways, service openings, borrowed light glazing, holes around cables trunking and pipework) should be of a minimum 30 minutes FIRE RESISTANCE.</p> <p>Available means the responsible person could use to comply with Article 17 (1) may include enforcing terms of lease and Landlord and Tenant / Property legislation as lessor/owner.</p>
Article 9	<p>At the time of the audit the fire risk assessment for your premises was not suitable and sufficient. It was found that:</p> <p>1) No evidence was provided to show that there was a current fire risk assessment (FRA). Previous one is dated 2018.</p>	<p>The fire risk assessment should be reviewed, with specific consideration given to:</p> <p>1) Identifying that there was no evidence provided to show that there was a current fire risk assessment. Previous one seen in 2018.</p>

<p>Article 9 Cont'd</p>	<p>2) As there was not a current FRA available the issues identified on the day were:</p> <p>a) A lack of fire doors throughout.</p> <p>b) Gaps under chute room (non fire doors).</p> <p>c) The lift does not go to the 7th and 8th floors.</p> <p>d) Combustibles in the means of escape routes (fabric hanging basket flowers, fake plants etc).</p> <p>e) A sample of the flat door No. 22 failed to close past halfway. No positive action self closing device.</p> <p>f) There were domestic battery smoke detectors seen in lobbies. (Communal areas).</p> <p>g) Open vents in chute rooms and electrical hazard rooms (lift motor room etc.) discharging into the protected means of escape route/s.</p> <p>h) The rear fire exit has both a push bar and a break glass function , it should only be one action.</p> <p>i) Entrance flat doors are not fire doors.</p> <p>j) Compartmentation was unable to be confirmed as suitable for the Stay Put Policy to be appropriate, as no fire risk assessment was made available to confirm this.</p>	<p>2) As there was not a current FRA available, it was not possible to determine if the following deficiencies had been picked up on a fire risk assessment:</p> <p>a) Identify that there is a lack of fire doors throughout.</p> <p>b) Identify that there are gaps under chute room (non fire doors) which should not be there.</p> <p>c) Identify that the lift does not go to 7th and 8th floors and remedy this maintain this lift to allow it to function fully.</p> <p>d) Identify that there are combustibles in the means of escape routes (fabric hanging basket flowers, fake plants etc).</p> <p>e) Identify if all flat entrance doors are fire doors with intumescent strips and cold smoke seals installed, as well as having positive action self closing devices that close the doors fully into their frames.</p> <p>f) Identify that there are domestic battery smoke detectors seen in lobbies (communal areas) and the justification for this, or removal if necessary.</p> <p>g) Identify that there are open vents in chute rooms and electrical hazard rooms (lift motor room etc.) leading onto the protected means of escape route/s. Identify if these are fitted with intumescent strips to seal them if a fire were to start within these cupboards.</p> <p>h) Identify that the rear fire exit has both a push bar and a break glass function, it should only be one action. Justification for removal of one is expected.</p> <p>i) Identify that the entrance flat doors are not fire doors, plus multiple locks (key locks) are seen on some doors which will hinder the residents' escape in the event of fire.</p> <p>j) Identify if there is adequate compartmentation throughout the block to support the Stay Put Policy.</p>
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*****RECOMMENDATIONS NOT FORMING REQUIREMENTS OF THE SCHEDULE*****

The Commissioner would strongly urge that you consider the presence of combustible façade cladding materials as part of the risk assessment process for these premises. All relevant information about any replacement window and facade schemes should be made fully available to fire risk assessors. Where no reliable information is available for a given property, a strategy to assess the risk and where necessary implement short, medium and long term actions to address the risk should be implemented.

Where remedial measures are to be undertaken to which consultation requirements under Section 20 of the Landlord and Tenant Act 1985 will apply, the Commissioner would urge you to consider application of the disapplication provisions under Section 20ZA of that Act.

The Chief Executive
The Dulwich Estate
The Old College
18 Gallery Road
London
SE21 7AE

The London Fire Commissioner is the
fire and rescue authority for London

Date 23 November 2023
Our Ref 90/190177/

Dear Sir/Madam

REGULATORY REFORM (FIRE SAFETY) ORDER 2005 (AS AMENDED): NOTIFICATION OF FIRE SAFETY DEFICIENCIES

Premises: Frobisher Court, Sydenham Rise, London, SE23 3XH

The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (as amended) hereafter the Fire Safety Order (as amended) in London.

The Commissioner's Inspectors have recently carried out an inspection of the above mentioned premises. During the inspection, it was noted that some fire safety matters require attention to reduce the risk of fire and/or reasonably ensure the safety of people using the premises. These matters need to be addressed in order to comply with the Fire Safety Order (as amended).

The matters that need to be addressed, together with the Commissioner's recommendations about the actions you should take are explained in the attached schedule. We recommend that action should be taken by **the dates specified in the schedule to this notice**.

If you are in any doubt about what you need to do to comply with the Fire Safety Order (as amended); or if there is anything in the schedule that you do not understand or need further explanation of then please contact the Inspector named at the end of this letter. If you are dissatisfied in any way with the response given please ask to speak to the Team Leader quoting the above reference.

You may also wish to know that fire safety guidance for businesses can be found on the Commissioner's website at www.london-fire.gov.uk under the heading 'Fire safety at work'. Additionally, guidance on general fire precautions and how to comply with the Fire Safety Order (as amended) can be found at www.Gov.uk under the heading 'Fire safety law and guidance documents for business'.

When undertaking fire safety works at your premises you may need to seek approval for what you are going to do. Examples of this would include:

- any building works for which you are obliged to notify or seek the approval of Building Control;
- if your premises have a listed heritage status, approval from the local authority conservation officer; or
- if your premises are licenced then you may need to consult the relevant licensing or approvals authority.
- It is your responsibility to consult the relevant bodies and obtain any necessary approvals.

I would ask you to note that as well as placing people at risk, operating premises without having adequate general fire precaution in place to remove or reduce fire risk and to ensure people can safely escape if a fire does occur can result in a criminal offence being committed. This letter and its associated schedule are consequently issued without prejudice to any legal action the Commissioner may subsequently take regarding failures to comply with the Fire Safety Order (as amended).

Yours faithfully

for Assistant Commissioner (Fire Safety)

Directorate of Operations

FSR-AdminSupport@london-fire.gov.uk

Reply to Inspecting Officer]

Direct T 020 8555 1200

Enc: Form FS03_01b Legislation Extracts

Form FS03_06 Definitions of standard terms

Cc:

Notes to accompany the Notification of Deficiencies schedule.

Important information to consider before taking remedial steps:

1. Certain terms written in BLOCK CAPITALS in the attached schedule are standard terms defined in "Definitions of standard terms used in means of escape requirements" which form part of this schedule.
2. Officers of the Commissioner may visit your premises again to check on the action you have taken.
3. **Notwithstanding any consultation undertaken by the Commissioner, before you make any alterations to the premises, you must apply for local authority building control department 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.**
4. There may be suitable alternative safety measures to those detailed in this schedule, which would meet the requirements of the Order. If you wish to propose or discuss any alternative measures you should get in touch with the person named as the contact above, before you take any action, to ensure that your proposed measures are deemed satisfactory by the Commissioner.
5. Remedial steps must be undertaken by a competent person who has sufficient training, experience, knowledge or other qualities to enable him or her to properly undertake them.
6. We recommend that remedial steps are undertaken in accordance with the appropriate British or European Standards, or recognised industry guidance.

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Your rights when Fire Safety Inspecting Officers take action.

The Commissioner has a duty to enforce the Regulatory Reform (Fire Safety) Order 2005.

If an Inspector:

tells you to do something - you have a right to a verbal and written explanation of what needs to be done and why.

Intends to take immediate action - for example by issuing an enforcement notice this will include a written explanation either forming part of the notice or by separate letter.

Issues a formal notice - you will be told in writing about your right to appeal to a magistrates' court. You will be told:

- ◆ how to appeal;
- ◆ where and within what period an appeal may be brought; and
- ◆ that action required by a prohibition/restriction notice is not suspended while an appeal is pending unless the court so directs.
- ◆ that action required by an enforcement notice is suspended while an appeal is pending.

Issues a Notification of Fire Safety Deficiencies - full discussion should have taken place and agreed improvements to bring the premises up to minimal standards should be formulated. A Notification of Fire Safety Deficiencies carries no statutory force but may result in formal action being considered if the agreed improvements do not take place.

The procedures and rights above provide ways for you to have your views heard. If you are not happy with the inspecting officer's action you should contact the Team Leader on the telephone number shown at the head of the covering letter in the first instance.

ENVIRONMENT AND SAFETY INFORMATION ACT 1988

SECTION 4 - PROTECTION OF TRADE SECRETS

The above Act requires the London Fire Commissioner to maintain public registers of notices issued under Article 30 of the Regulatory Reform (Fire Safety) Order 2005, (other than those which impose requirements or prohibitions solely for the protection of persons at work) and Sections 21 and 22 of the Health and Safety at Work etc, Act 1974.

Provisions are made within the Act for persons on whom the above notices are served to appeal against any proposed entry in the register which may disclose "trade secrets" or "secret manufacturing processes".

Entries in the register are required to be made after the period for appeal against the notice expires or after any appeal is disposed of.

If you feel that any such entry would disclose information about a trade secret or secret manufacturing process you may write to the Commissioner within a period of 14 days following the service of the notice, requesting exclusion of these details (see Section 4 of the 1988 Act).

SCHEDULE

PREMISES: Frobisher Court, Sydenham Rise, London, SE23 3XH

FILE NUMBER: 90/190177

This schedule should be read in conjunction with the Commissioner's letter dated **23 November 2023**.

The condition(s) specified in the Regulatory Reform (Fire Safety) Order 2005, were being contravened and the following step(s) need(s) to be taken in order to comply with the above legislation:

Article	Area of Concern	Steps Considered necessary to remedy the contravention.
Article 11	<p>At the time of the audit your preventative and protective measures had not been planned, organised, controlled monitored or reviewed where required. It was found that:</p> <p>1) Planning and organisation to maintain the means of escape free of combustible material had not been undertaken. For example, at the time of the audit, combustible material, including a computer printer outside flat entry door 23 was found to be stored in the common parts. Combustible materials were also found stored in legacy pantry voids, for example by flat entry door 24 on the 5th floor, and combustible materials in the form of shoes were being stored outside flat 5.</p> <p>2) Planning and organisation to ensure signage in the common means of escape was suitable and sufficient had not been undertaken. On audit it was found that the fire action notices were unsuitable. Signage should meet suitable standards such as BS5499.</p> <p>3) Planning and organisation to ensure fire doors protecting the means of escape were subject to suitable maintenance and self closed fully into their frames had not been undertaken. For example, on audit, it was found</p>	<p>Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.</p> <p>The steps must be taken by 14 March 2024.</p>

<p>Article 11 (Cont'd)</p>	<p>that the drop seal on the door between the lobby containing flat entry doors and the protected stair on the 7th floor by flat entry door 27 was damaged and therefore protruding, leading to it wedging the door partially open. Additionally, the door onto the stair on the fourth floor, by flat entry door 18, had deflected from true. Inspection and maintenance of fire doors protecting the means of escape should meet the requirements of The Fire Safety (England) Regulations 2022.</p> <p>4) Planning and organisation to remove single point non-interlinked battery powered fire alarms from lobbies containing flat entry doors had not been undertaken, despite the issue of non suitably FIRE RESISTING "plastic" doors having been addressed and the premises having been assessed as suitable for and operating a "stay put" policy.</p> <p>5) Planning and organisation to install suitable wayfinding signage and fire action notices provided in the common parts of the premises to meet the requirements of the Fire Safety (England) Regulations 2022 had not been undertaken. At the time of the audit no such signage had been installed and fire action notices did not meet the requirements.</p> <p>6) Planning and organisation to ensure the premises was registered on the high rise portal had not been undertaken. On 15 October 2023, Frobisher Court was not registered on the portal.</p> <p>7) Planning and organisation to ensure that suitable fire safety information to meet the requirements of The Fire Safety (England) Regulations 2022 had been provided to residents had not been undertaken.</p>	
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Article 17	<p>The corridors, lobbies and stairs used for access to and from flats in the premises (the access route(s)) are intended for use by relevant persons as a PROTECTED ROUTE. This route should provide a safe means of escape in event of fire and must be maintained in an efficient state, in efficient working order and good repair. During the audit it was found that the responsible person for management of the access route has not prevented or addressed deficiencies in the FIRE RESISTANCE of the PROTECTED ROUTE and/or required rectification of defects that have arisen in, and/or alterations made to, the protection to the access route. The PROTECTED ROUTE has been compromised by the fitting of doors that do not provide 30 minutes fire protection to the access route because they do not fully self close into their frames, for example the flat entry door to flat 23 is fitted with a single Perko device and at the time of the audit did not fully self close into its frame. Additionally several fire door sets were fitted with letterboxes that were not suitably FIRE RESISTING.</p>	<p>Ensure the access corridor is returned to its intended state as a PROTECTED ROUTE to afford protection from fire in a flat to relevant persons who may require use of that corridor for safe escape from the premises in case of fire. Remedial work that may be necessary for this purpose, must be assessed and completed by a competent person who is practised in the application of the relevant standards for means of escape. Your attention is drawn to the provisions of subsections (2) (3) and (4) of Article 17 of the Regulatory Reform (Fire Safety) Order 2005 in the attached extracts of legislation. You are advised that walls in PROTECTED ROUTES should have a minimum of 60 minutes FIRE RESISTANCE. Openings in the walls leading to accommodation off a PROTECTED ROUTE (including doors in entrance ways, service openings, borrowed light glazing, holes around cables trunking and pipework) should be of a minimum 30 minutes FIRE RESISTANCE. Available means the responsible person could use to comply with Article 17 (1) may include enforcing terms of the lease and Landlord and Tenant/Property legislation as lessor/owner.</p> <p>The steps must be taken by 21 November 2024.</p>
Article 8	<p>At the time of the audit the FIRE RESISTING separation in your premises was inadequate. It was found that compartmentation between the flats and the means of escape was compromised in places, particularly where old pantry serving areas between the means of escape and the kitchens of the flats had not been suitably addressed.</p>	<p>Provide suitable FIRE RESISTING separation by ensuring suitable compartmentation is suitably sealed. It is understood that issues of responsibility and ownership are at issue here, the responsible person should therefore consider that available means the responsible person could use to comply with the Article may include enforcing terms of lease and Landlord and Tenant/Property legislation as lessor/owner.</p> <p>The steps must be taken by 21 November 2024.</p>

*****RECOMMENDATIONS NOT FORMING REQUIREMENTS OF THE SCHEDULE*****

The Commissioner would strongly urge that you consider the presence of combustible façade cladding materials as part of the risk assessment process for these premises. All relevant information about any replacement window and facade schemes should be made fully available to fire risk assessors. Where no reliable information is available for a given property, a strategy to assess the risk and where necessary implement short, medium and long term actions to address the risk should be implemented.

Where remedial measures are to be undertaken to which consultation requirements under Section 20 of the Landlord and Tenant Act 1985 will apply, the Commissioner would urge you to consider application of the disapplication provisions under Section 20ZA of that Act.