



Essex County  
Fire & Rescue Service

**Rick Hylton**  
Chief Fire Officer / Chief Executive

South West Group Service Delivery Point  
Basildon Fire Station  
Broadmayne  
Basildon  
SS14 1EH

Enquiries to: [REDACTED] Fire Safety Manager  
T: +44(0) 1376 576700  
[southwestgroupsdp@essex-fire.gov.uk](mailto:southwestgroupsdp@essex-fire.gov.uk)

[REDACTED]  
Captain Toms  
275 High Street  
Epping  
CM16 4DA

Our Ref: 117821  
Your Ref:

Date: 23 July 2022

Dear Sir,

**THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**  
**Premises: Captain Toms 275 High Street, Epping CM16 4DA**  
**LETTER OF NON-COMPLIANCE**

Further to the recent visit carried out on 22<sup>nd</sup> July 2022 the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority is of the opinion that you are not fully complying with the above legislation. The Order requires fire safety issues at the above premises to be effectively managed. You are required to continuously monitor and review where necessary the effectiveness of your Fire Risk Assessment.

The visit was not a comprehensive audit of all fire safety matters but looked into a variety of aspects from which our findings are drawn. Failure to address the items specified in the report could result in enforcement action being taken. This letter and attached schedule are issued without prejudice to any legal action which may subsequently be taken regarding failures to comply with the legislation.

The part(s) of the legislation with which you are not complying are set out in the attached report; these matters are such that they require urgent attention.

A further visit may be carried out to ensure that the requirements of the schedule have been complied with.

For technical detail and guidance you are strongly advised to purchase the guidance document from the list attached to this letter. Alternatively, these can be viewed online at <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>. When purchasing or installing equipment, compliance with the relevant British Standard is normally taken as being adequate. Should the issues set out in this report require major changes or costs then you are advised to take professional advice before proceeding.

If you have any further queries, then please contact the above Officer quoting our reference number.

Yours faithfully,

[REDACTED]  
**Protection**

**Our vision is to make Essex a safe place to live, work and travel**

## **REPORT**

**Premises: Captain Toms 275 High Street, Epping CM16 4DA**

**Premises UPRN. 10012157810**

The following issues were noted as requiring attention during the audit/visit.

### **Duty to take General Fire Precautions**

#### **Failure**

To take such general fire precautions as will ensure the safety of employees and relevant persons who are not employees.

#### **Legislation Applicable**

Article 8 (1) (a) & (b) of the Regulatory Reform (Fire Safety) Order 2005 supported by Article 4, which determines what is meant by general fire precautions.

The responsible person must take such general fire precautions in relation to relevant persons who are not his employees and relevant persons.

General fire precautions in relation to premises means:-

- (a) Measures to reduce the risk of fire on the premises and the risk of the spread of fire on the premises;
- (b) Measures in relation to the means of escape from the premises;
- (c) Measures for securing that, at all material times, the means of escape can be safely and effectively used;
- (d) Measures in relation to the means for fighting fires on the premises;
- (e) Measures in relation to the means for detecting fire on the premises and giving warning in case of fire on the premises; and
- (f) Measures in relation to the arrangements for action to be taken in the event of fire on the premises, including—
  - (i) Measures relating to the instruction and training of employees; and
  - (ii) Measures to mitigate the effects of the fire.

The inspection revealed that:

- (1) the structure forming separation between the ground-floor restaurant and the upper floor offices did not provide 30-minutes fire separation. It was found that there were breaches around the new kitchen extract system throughout the premises.
- (2) the general fire precautions as identified in the significant findings of your fire risk assessment had not been implemented within the recommend time period given.

### **Suggested action to remedy failure**

The responsible person should ensure:

- (1) That all breaches around cabling are infilled with fire resisting material, closely packed to form an effective fire barrier.
- (2) That the significant findings of your fire risk assessment are implemented.

## **Risk Assessment**

### **Failure**

The Fire Safety Risk Assessment was not suitable and sufficient

### **Legislation Applicable**

Article 9 (1) of the Regulatory Reform (Fire Safety) Order 2005

- (i) It is the opinion of the Fire and Rescue Service that the risk assessment of the premises is not suitable and sufficient. The responsible person should review the assessment paying particular attention to the following (areas) (deficiencies)
- (ii) The responsible person must ensure that the risk assessment is suitable and sufficient:-

The risk assessment must:-

- (a) Consider who may be especially at risk.
- (b) Eliminate or reduce the risk from fire as far as is reasonably practical and provide general fire precautions to deal with any residual risk.
- (c) Take additional measures to ensure fire safety where flammable or explosive materials are used or stored.
- (d) Create a plan to deal with any emergency and, in most cases, document your findings.
- (e) Review the findings as necessary.
- (f) Implement suitable control measures to reduce the risk to employees and any other persons who may be affected.
- (g) Record any significant findings of the assessment (when necessary).
- (h) Include any significant change in the fire risk assessment.

The inspection revealed that the fire risk assessment did not fully consider the ability of relevant persons using the upper floor offices being able to evacuate the premises safely in the event of a fire due to the shared protected route being compromised by the lack of fire stopping surrounding the new kitchen extract system. It was found that the kitchen extract system had breached the compartmentation into the protected staircase.

### **Suggested action to remedy failure**

The responsible person should ensure that the fire risk assessment is reviewed, ensuring the means of escape, fire resistance of all walls, floors, ceilings, and doors is sufficient. The provision of fire detection within the premises should be based upon the Fire Risk Assessment. The fire safety systems or facilities and their presence should be noted in the fire risk assessment, and due account should be taken of their contribution (if any) to the safety of staff and members of the public from fire.

## **Fire Safety Arrangements**

### **Failure**

A fire safety policy document has not been prepared

### **Legislation Applicable**

Article 11 (1) & (2) of the Regulatory Reform (Fire Safety) Order 2005

In order to develop and maintain the safety of the building and that of employees and other relevant persons, the building management team should have formulated and documented a fire safety strategy. This strategy may include a fire safety manual in which technical specifications for all aspects of the workplace are included i.e. :-

- A fire safety policy statement appropriate to the building configuration, location, occupation and use. The fire safety policy statement should include general safety issues related to the use of the building and the aims and objectives of the proposed management system and its methodology.
- Fire safety specification for the premises including plans where appropriate.
- Safety management structure.
- Continuing controls and audit procedures.
- Actions to be taken in a fire emergency.
- Fire drills.
- Housekeeping.
- Planned maintenance procedures.
- Staff training.
- Security.
- Record keeping

The inspection revealed that the testing of the emergency lighting system had not been planned, organised, or reviewed.

### **Suggested action to remedy failure**

The responsible person should ensure that the arrangement identified as not suitably addressed must be effectively planned, organised, controlled, monitored, and reviewed by means of testing this system monthly.

## **Procedures for Serious and Imminent Danger and for Danger Areas**

### **Failure**

Insufficient evacuation procedures and/or evacuation drills to be followed in the event of serious and imminent danger are in place

### **Legislation Applicable**

Article 15 (1) (a) of the Regulatory Reform (Fire Safety) Order 2005

An emergency plan must be developed, and training given, it will then be necessary to evaluate its effectiveness by carrying out regular fire/evacuation drills.

The inspection revealed that your procedures to be followed in the event of serious and imminent danger were inadequate. It was found that there was no established emergency plan in place for relevant persons.

### **Suggested action to remedy failure**

The responsible person should ensure an emergency plan is created and reviewed. Adequate procedures for serious and imminent danger and for danger areas should be established and followed. You need to have an emergency plan for dealing with a fire situation. The purpose of an emergency plan is to ensure that the people in your premises know what to do if there is a fire and can be easily understandable to all relevant persons.

### **Maintenance**

#### **Failure**

The fire alarm and emergency lighting system, fire alarm system and fire extinguishers were inadequately maintained.

#### **Legislation Applicable**

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005

The fire alarm system must be maintained. Consideration should be given to initiating a servicing contract with a competent contractor who should maintain and test the system in accordance with BS 5839-1 2017. The outcome of the service should be recorded. The emergency lighting system must be maintained. All emergency escape lighting systems should be regularly tested and properly maintained to an appropriate standard.

It is recommended that consideration is given to the provision of a servicing contract with a competent contractor who should maintain and test the emergency lighting system in accordance with the recommendations of BS 5266-1:2016 & BS EN 50172:2004, BS 5266-8:2004 (or equivalent approved standard).

The inspection revealed that the emergency lighting system had not been maintained.

### **Suggested action to remedy failure**

The responsible person should ensure that the emergency lighting system is to be serviced as per BS 5266 or an equivalent appropriate standard. All works are to be completed by a competent person. The outcome of these services should be recorded.

### **Maintenance**

#### **Failure**

The structural fire precautions are inadequately maintained.

#### **Legislation Applicable**

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005

To ensure effective protection against fire which may spread, affecting the escape routes that people will use, structural fire precautions such as walls, doors and floors providing fire separation must form a complete barrier. The responsible person must ensure that structural items are maintained in an effective condition.

The inspection revealed that the fire doors to the ground floor were not closing into their frames.

### **Suggested action to remedy failure**

The responsible person should ensure that the deficiencies highlighted above are addressed. All works are to be completed by a competent person.

### **Training**

#### **Failure**

Inadequate safety training is provided to enable the employees to safeguard themselves and other persons on the premises

#### **Legislation Applicable**

Article 21 (2) (a) of the Regulatory Reform (Fire Safety) Order 2005

- (i) The responsible person must ensure that staff receive safety training to enable the employees to safeguard themselves and other persons on the premises.
- (ii) The responsible person must ensure that all staff receive basic fire safety induction training. The training should take account of the findings of the fire risk assessment and be easily understood by all those attending.

The inspection revealed that employees had not been provided with adequate fire safety training.

### **Suggested action to remedy failure**

The responsible person should provide staff with adequate safety training. In particular with regards to fire drills and training for the evacuation of staff and members of the public. Employees should be given appropriate fire safety training including procedures to be taken. The type of training should be based on the particular features of your premises and should include taking account of the findings of the fire risk assessment, explaining the emergency procedures, taking account of the work activity and explain the duties and responsibilities of staff, be easily understandable by your staff and other people who may be present.

### **Co-operation and Co-ordination**

#### **Failure**

Inadequate co-ordination with other responsible persons sharing the same premises to comply with the requirements and prohibitions imposed under the Regulatory Reform (Fire Safety) Order 2005

#### **Legislation Applicable**

Article 22 (1) (b) of the Regulatory Reform (Fire Safety) Order 2005

The responsible person must take all reasonable steps with other responsible persons sharing the same premises to co-ordinate the measures he takes to comply with the requirements and prohibitions imposed on him by the requirements and prohibitions imposed under the Regulatory Reform (Fire Safety) Order 2005.

The inspection revealed that the responsible person had not cooperated and coordinated with those responsible for other undertakings within the premises regarding a shared means of escape and the risks posed by his undertakings.

**Suggested action to remedy failure**

The responsible person should that they cooperate and coordinate with other responsible persons within the premises.

Please be advised that matters detailed under the “Suggested actions to remedy failure” heading(s) are only one method of achieving compliance. You may wish to seek further specialist advice for another means of achieving this compliance.

**Guides in the Series available from the CLG  
(Communities and Local Government)**

<https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>

1	Offices & Shops ISBN-13:978 1 851 12 851 0	Offices and retail premises (including individual units within larger premises, e.g. shopping centres)
2	Factories & Warehouses ISBN-13:978 1 851 12 816 7	Factories and warehouse storage premises
3	Sleeping Accommodation ISBN-13: 978 1 851 12 817 4	All premises where the main use is to provide sleeping accommodation, e.g. hotels, guest houses, B&Bs, hostels, residential training centres, holiday accommodation and the common areas of flats, maisonettes, HMOs and sheltered housing (other than those providing care - see Residential Care Premises), but excluding hospitals, residential care premises, places of custody and single private dwellings.
4	Residential Care Premises ISBN-13:978 1 851 12 818 1	Residential Care and nursing homes, common areas of sheltered housing (where care is provided) and similar premises, which are permanently staffed and where the primary use is the provision of care rather than healthcare (see Health Care Premises)
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7	Large Places of Assembly ISBN-13: 978 1 851 12 821 1	Larger premises where more than 300 people could gather, e.g. shopping centres (not the individual shops), large nightclubs and pubs, exhibition and conference centres, sports stadia, marquees, museums, libraries, churches, cathedrals and other places of worship or study
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9	Open Air Events and Venues ISBN-13: 978 1 851 12 823 5	Open air events e.g. theme parks, zoos, music concerts, sporting events (not stadia - see Large Places of Assembly), fairgrounds and county fairs.
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12	Animal Premises and Stables ISBN-13: 978 1 85112 844 6	Animal premises, stables, livery yards and stables within zoos, large animal sanctuaries or farm parks
13	<i>Supplementary Guide</i> Means of Escape for Disabled People ISBN – 13: 978 1 85112 873 7	This guide is a supplement to be read alongside other guides in this series. It provides additional information on accessibility and means of escape