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Fire & Rescue Service

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Chief Fire Officer / Chief Executive

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Our Ref: 77970
Your Ref: N/a
Date: 31st December 2021

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005
Premises: Regent House Hubert Road, Brentwood Essex CM14 4WN
LETTER OF NON-COMPLIANCE

Further to the visit carried out on the 12th October 2021 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 attention.

A further visit will 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.

Yours faithfully,

[REDACTED]
Protection

Note:-Despite repeated attempts to obtain any supporting evidence this fire safety audit report has had to be completed without that evidence being available.

REPORT

Premises Regent House Hubert Road, Brentwood Essex CM14 4WN
Premises UPRN. 100091433834

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 as will ensure the safety of employees and relevant persons who are not employees.

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. Portable Appliances have not been subject to any form of routine testing (staff areas / trailing leads in service riser / communication cupboards etc).
2. The premises periodic fixed wiring inspection certificate (Electrical Installation Condition Report) was not available to confirm the condition of the premises electrical installation (Common Areas).
3. Excessive build-up of discarded rubbish / combustibles found in lift motor room.
4. Minor fire stopping required to some water meter, electrical meter cupboards and communication cupboards at various floor levels.
5. No evidence available to support the presence of a premises lighting conductor and if applicable when it was last inspected.

Suggested action to remedy failure:

1. All portable appliances should be subject to routine testing / examination by a competent person. Portable Appliance Testing (PAT) is one method of achieving compliance with this Electricity at Work Regulations requirement. By ensuring, the appliances are electrically safe the risk of fire is also reduced. Once the initial test / examination has been carried out future inspection, intervals will be subject to suitable assessment of their use and location. It is recommended that a copy of the report / certificate should be held with the fire risk assessment for verification purposes.
2. The report referred to above is normally used to confirm the condition of the premises electrical installation. If this inspection has not been completed or other evidence cannot be provided then to reduce the risk of fire occurring from this source, engage a competent contractor who will carry out the inspection of the premises electrical installation in accordance with BS: 7671 – Requirements for Electrical Installations (IEE Wiring Regulations). Any work required to bring the installation up to an acceptable standard should then be implemented / prioritised as specified in any subsequent report.

Note: it is probable that the condition of the electrical installation is still covered by the original Electrical Installation Certificate (EIC) following the conversion works, if correct then equally this should be declared in the premises fire risk assessment and ideally copies held for future verification purposes.

3. Remove all unwanted items from the lift motor room that have been deposited over time by contractors and monitored to prevent re-occurrence.
4. Make arrangements where necessary to in-fill with correct fire retardant materials any openings in compartment walls and floors where contractors have run cabling, pipes etc (Note: some remedial works appear to have been carried out with non-fire rated materials). In some communication cupboards the fire barriers that were originally correctly installed between floors have been penetrated by contractors passing cables through and have failed to make good the damage caused.

Confirm that there are no similar breaches in compartment walls / floors to flats

5. Review / confirm that the premises lightning conductor is subject to routine inspection in accordance with BS EN 62305-3 (where applicable).

Risk Assessment

Failure

The Fire Safety Risk Assessment was not available at the time of inspection / audit

Legislation Applicable

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

The Responsible Person must ensure that the risk assessment is made available for managers, employees and the enforcing authority to confirm that a suitable and sufficient assessment of the risks has been carried out, recorded and reviewed as applicable.

The inspection revealed that:

The Fire Risk Assessment was not available at the time of inspection / audit

Suggested action to remedy failure

It is assumed that Landside Management as responsible organisation have undertaken a fire risk assessment for Regent House if this assumption is incorrect then the Responsible Person must make a suitable and sufficient assessment which identifies 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.

The responsibility for the Fire Risk Assessment falls upon the *Responsible Person* (as defined under Part 1 Article 3 a-b (i) (ii) of the order). Although the *Responsible Person* may delegate this responsibility anyone appointed should be deemed competent, this person may be directly employed or a sub-contractor.

Where / when the fire risk assessment has been completed it is advised that a copy is held at Regent House for follow-up auditing purposes.

For technical details and guidance on undertaking a fire risk assessment, you are strongly advised to obtain the most suitable guide(s) for your premises shown below; these are available from the Stationery Office or most bookshops.

Fire Safety Risk Assessment - Sleeping Accommodation
Means of Escape for Disabled People *Supplementary Guide*:

ISBN-13: 978 1 85112 817 4
ISBN-13: 978 1 85112 873 7

Alternatively, they can be viewed online at

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

Fire Safety Arrangements

Failure

A fire safety policy document was not available at the time of the visit

Legislation Applicable

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

The fire safety policy document must be made available for managers, employees and the enforcing authority to confirm that suitable arrangements are in place for the effective planning, organisation, control, monitoring and review of the preventive and protective measures.

The inspection revealed that:

The fire safety policy document was not available at the time of inspection / audit

Suggested action to remedy failure:

It is assumed that Landside Management as responsible organisation have in place a suitable fire safety policy document for Regent House if this assumption is incorrect the following gives a brief overview of what should be documented.

A fire safety strategy / policy document to identify how all fire precautionary matters are managed should be compiled.

This policy 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.
- Fire safety management structure.
- Safe occupancy levels and how they are maintained.
- 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 list above provides examples only and is not exhaustive some items will not be necessary relevant to Regent House.

In simple terms, this is a document that explains the fire safety management structure / management responsibilities and how all fire precautionary matters are managed on a daily basis. All routine testing, maintenance, servicing, training, general procedures etc. should be collated together to formulate the document. The fire safety policy will also address other Articles of the Regulatory Reform Order however, the fire safety policy document should make reference to them and how they are managed. For example, this would identify the frequency of routine fire safety checks on the buildings, whose responsibility it is to carry them out and where the evidence / records can be located for verification purposes etc.

Where / when a fire safety strategy / policy document has been completed it is advised that a copy is held at Regent House for follow-up auditing purposes.

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 be understood by all residents

The inspection revealed that:

It could not be verified at the time of audit if information regarding the action tenants should take in the event of fire occurring within their flat or elsewhere in the building has been known to them.

Suggested Action to remedy failure:

Landlords and others responsible for managing blocks of flats should seek to engage with residents and communicate a number of vital fire safety messages, including:

- How they can prevent fires in their own home and in the common parts
- The importance of maintaining their block secure (making sure doors close behind them when they enter or leave) and being vigilant for deliberate fire setting
- That they should never store or use petrol, bottled gas, paraffin heaters or other flammable materials in their flats, on their balcony or in shared areas
- *What action they should take if they discover a fire*
- How they can ensure they can make their way safely from their flats and how to exit the building once they have left their flat
- What 'stay put' means if there is a fire elsewhere in the building (if adopted)
- What they must do to safeguard communal escape routes, especially taking care to make sure fire doors self-close properly and are not wedged, tied or otherwise held open
- What the policy on the use of common parts requires of them
- How they can avoid inadvertently damaging the building's fire protection when making changes to their flat
- What is involved in testing their smoke alarms and how often they should do it
- Ways they can assist the fire and rescue service by not blocking access when parking, and by keeping fire main inlets and outlets, where provided clear.
- How they can report essential repairs needed regarding fire safety measures in their flat and elsewhere in the block.

Residents' handbooks are traditionally one way to communicate basic fire safety advice to new residents in such accommodation. Similarly, many organisations use their website to convey information of this nature to their tenants. Where appropriate, and subject to the policy on use of the common parts, this can be reinforced with notices displayed in the building. This may include the findings of the fire risk assessment.

It is good practice for fire action notices to be displayed, in a location where they will be viewed routinely by people entering the building e.g. by the main entrance or, where relevant by the controls inside / outside a lift.

General advice to give to residents on domestic fire safety and preventing fires in the home is available from <http://firekills.direct.gov.uk/index.html>. 'Protect yourself in your rented home', which is guidance on electrical safety, is also available, in both printed and online form, from the Electrical Safety Council.

It is important that the needs of non-English speaking residents are taken into account. Fire safety information in a number of alternative languages is available to download from www.direct.gov.uk/en/HomeAndCommunity/InYourHome/FireSafety.

Maintenance

Failure

The fire alarm system appears to be inadequately maintained

Legislation Applicable

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

Where necessary in order to safeguard the safety of relevant persons the Responsible Person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises under this Order or, subject to paragraph (6), under any other enactment, including any enactment repealed or revoked by this Order, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

The fire alarm installation must be maintained. The installation should be regularly tested and properly maintained to an appropriate standard.

The inspection revealed that

In the absence of any supporting evidence, it appears that the fire alarm installation is not being routinely serviced.

Suggested action to remedy failure

The fire alarm installation must be subject to inspection by a competent person on a 6-monthly basis (as BS:5839 Pt1 2017 / BS:9999-2017 Appendix I refers), in addition where applicable weekly test should be completed by operation of the manual fire alarm call points each one being operated in rotation throughout the building (on a basis of one per week) to confirm alarm actuation and audibility; it is advised that the outcome of the tests are always recorded.

It is recommended that if you are unsure with the testing procedure the services of a competent person are sought.

Maintenance

Failure

The automatic smoke ventilation installation appears to be inadequately maintained

Legislation Applicable

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

Where necessary in order to safeguard the safety of relevant persons the Responsible Person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises under this Order or, subject to paragraph (6), under any other enactment, including any enactment repealed or revoked by this Order, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

The inspection revealed that

In the absence of any supporting evidence, it appears that the installation is not being routinely serviced or subject to any form or routine testing

Suggested action to remedy failure

The automatic smoke ventilation installation must be subject to weekly and 3-monthly testing, with all zones being separately tested and inspected by a competent person on an annual basis (BS:7346-8 2013 / BS:9999-2017 Appendix I refers), it is advised that the outcome of the tests are always recorded.

It is recommended that if you are unsure with the testing procedure the services of a competent person are sought.

Note:- Where multi zone installations exist, routine testing can be on a rolling basis provided all zones are tested within each three-month period.

Maintenance

Failure

The emergency lighting is inadequately maintained

Legislation Applicable

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

Where necessary in order to safeguard the safety of relevant persons the Responsible Person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises under this Order or, subject to paragraph (6), under any other enactment, including any enactment repealed or revoked by this Order, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

The emergency lighting system must be maintained. All emergency escape lighting systems should be regularly tested and properly maintained to an appropriate standard.

The inspection revealed that:

In the absence of any supporting evidence it is taken that the escape / emergency lighting units in the premises are not being routinely tested.

Suggested action to remedy failure:

All emergency / escape lighting units (including external units) should be routinely tested at least monthly. It is advised that the outcome of the tests are always recorded.

It is recommended that if you are unsure with the testing procedure the services of a competent person are sought.

In addition, the premises emergency/ escape lighting installations should be subject to inspection by a competent person on a 12 -monthly basis (as BS: 5266-1 2016 / BS:9999-2017 Appendix I refers).

Maintenance

Failure

The manual fire-fighting equipment is inadequately maintained

Legislation Applicable

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

Fire extinguishers must be properly maintained.

The inspection revealed that

The fire extinguishers provided for use in an fire emergency by Landside employees / and or contractors do not appear to have been subject to any form of routine servicing.

Suggested action to remedy failure

Arrangements should be made so that the fire extinguishers are properly maintained. In most cases it will be necessary to consult a competent service engineer.

A routine system of maintenance should be performed as recommended in BS 5306-3:2009 Fire extinguishing installations and equipment on premises. Commissioning and maintenance of portable fire extinguishers and BS 5306-8:2000 Fire extinguishing installations and equipment on premises. Selection and installation of portable fire extinguishers.

Provision of Information to Employers and the self-employed from an outside undertaking

Failure

Inadequate provision of comprehensible and relevant information on risks and/or preventive and protective measures to the employer of any employees from an outside undertaking

Legislation Applicable

Article 20 (1) (a) & (b) of the Regulatory Reform (Fire Safety) Order 2005

The Responsible Person must ensure that the employer of any employees from an outside undertaking who are working in or on the premises are provided with comprehensible and relevant information on the risks to those employees; and the preventive and protective measures taken by the Responsible Person.

The inspection revealed that:

There were no apparent formal arrangements in place to ensure compliance with this Article and that in the event of fire, employees from outside undertakings have been informed on action to be taken, this would also relate to cleaning contractors (where applicable) and incorporate other visitors.

Suggested action to remedy failure

Although no significant risk was identified and any action required in the event of fire should be readily evident, it is still for the Responsible Person to ensure compliance and must confirm no matter how simple that a method of relaying this information to such persons is implemented.

It was suggested at the time of visit that such information could be displayed on the reception desk counter and could include other general Health & Safety requirements, action to take if no one is at the desk etc.

It is acknowledged that for any protracted works formal meetings would be held to ensure all safety matters are suitably addressed with any contractor.

Such an arrangement should also ensure that any activity undertaken by these person(s) does not compromise the fire precautionary arrangements that have been put in place.

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

The Responsible Person must ensure that all staff receive basic fire safety induction / periodic 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:

The Building Manager does not appear to have received any formal fire safety training.

Suggested action to remedy failure

The Responsible Person must ensure that all staff (including any cleaning staff who are directly employed) receive basic fire safety induction / periodic training. The training should take account of the findings of the fire risk assessment, such as action to be taken in the event fire, for the safety of residents and themselves and be easily understood by all those attending.

In simple premises, where no significant risks have been identified and there are limited numbers of staff, information and instruction may simply involve an explanation of the fire procedures and how they are to be applied. This should include showing staff the fire-protection arrangements, including the designated escape routes, the location and operation of the fire-warning system and any other fire-safety equipment provided, such as fire extinguishers; it is advisable that records are maintained.

Note: It is accepted that the Building Manager will be fully conversant with all of the above however this should be endorsed to ensure compliance with this requirement.

MAINTENANCE OF MEASURES PROVIDED FOR PROTECTION OF FIREFIGHTERS

Failure

To maintain and keep in efficient working order facilities, equipment and devices provided for the use by, or protection of, firefighters on your premises

Legislation Applicable

Article 38 (1), (2), (3), (4) & (5) of the Regulatory Reform (Fire Safety) Order 2005

Where necessary in order to safeguard the safety of fire-fighters in the event of a fire, the Responsible Person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises for the use by or protection of fire-fighters under this Order or under any other enactment, including any enactment repealed or revoked by this Order, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

The Responsible Person must maintain and keep in efficient working order facilities, equipment and devices provided for the use by, or protection of fire-fighters in the premises.

The inspection revealed that

- In the absence of any supporting evidence, it is assumed that apart from an annual routine service by your lift contractor (not verified) the firefighting lift is not subject to routine weekly and monthly testing (BS EN 81-72:2020 / BS:9999-2017 Appendix I refers)
- There is no evidence available to confirm that the two dry riser installations are subject to routine pressure testing.

Note: The premises automatic smoke ventilation installation also serves as an aid to firefighters however, as maintenance to this has been covered under Article 17(1) above it is not repeated here.

Suggested action to remedy failure

- If this assumption is correct then arrangements must be made for both weekly and monthly routines to be carried out, the extent of the requirements should be discussed with your lift contractor or contact this office for further guidance.
- Our records indicate that the premises dry riser installations were last tested June 2018 by this Authority for acceptance purposes as part of the building conversion works. If the installations have not been subject to further testing since, then arrangements must now be made for a competent contractor to undertake a pressurisation test* of both installations, this is in addition to a 6 monthly visual inspection (BS:9990-2015 / BS:9999-2017 Appendix I refers). * Ideally in the interest of firefighter safety this will be by wet pressure testing of the installations.

General observations / Information

1. It is important that clear prominent floor identification signage is displayed at each floor level within both staircases and within each of the lift lobbies, the floor numbering being fully visible when the lift car doors open. (Note: this is now a requirement in all new high-rise buildings).
2. Further to above it is vitally important that both the floor numbering matches those of floor identification / controls used in all three lift installations equally these should all be uniformly numbered.
3. It requested that the key for the firefighting lift is made readily available at all times adjacent the lift itself ideally this could be housed in a break glass fronted key box clearly identified as to the keys purpose.
4. As Regent House exceeds 18 metres in height it taken that as a responsible organisation Landside Management would have had an External Wall Fire Review completed and EWS1 certificate issued it is recommended that a copy of the completed certificate is held with the premises fire risk assessment for future verification purpose and to meet forthcoming requirements of the Fire Safety Act 2021. It is assumed that the outcome of the review would require no remedial works and the certificate annotated Option A-A1/A2; if this is incorrect please advise this Authority of the outcome and remedial works required.
5. It can be of great assistance to the Fire and Rescue Service at the time of an incident in dealing with an emergency to keep plans on the premises detailing information on the building's layout and its services, access codes & keys etc. Use of a secure Premises Information Box located at the buildings main entrance, although not currently a requirement is one way to achieve this and should be considered to further enhance the fire precautionary measures at Regent House

Observations / comments above are not intended to form a comprehensive list and other fire safety issues may need to be identified. Any solutions offered are made on the understanding that alternatives may be available.

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)
5	Educational Premises ISBN-13: 978 1 851 12 819 8	Teaching establishments ranging from pre-school through to universities, except the residential parts (See Sleeping Accommodation).
6	Small & Medium Places of Assembly ISBN -13: 978 1 851 12 820 4	Smaller public houses, clubs, restaurants and cafes, village halls, community centres, libraries, marquees, churches and other places of worship or study accommodating up to 300 people
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
8	Theatres, Cinemas, and Similar Premises ISBN-13: 978 1 851 12 822 8	Theatres, cinemas, concert halls and similar premises used primarily for this purpose
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.
10	Healthcare Premises ISBN-13:978 1 851 12 824 2	Premises where the primary use is the provision of healthcare (including private) e.g. hospitals, doctors' surgeries, dentists and other similar healthcare premises
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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