



Essex County
Fire & Rescue Service

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Chief Fire Officer / Chief Executive

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Our Ref: 83280

Date: 16 November 2021

Dear Madam

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005
Premises: Pier Approach, Walton On The Naze CO14 8DZ

LETTER OF NON-COMPLIANCE

Further to the recent visit carried out on 16th November 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 urgent attention.

A further visit will be made on the 13th December 2021 to ensure that the requirements of the schedule have been carried out.

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

A large black rectangular redaction box covering the signature area.A smaller black rectangular redaction box covering the name of the officer.

Fire safety Officer
Protection

cc:

REPORT

Premises **Pier Approach, Walton On The Naze CO14 8DZ**

Premises UPRN. **10090656997**

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 all employees.

Legislation Applicable

Article 8 (1) (a) 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.

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:

The fire resisting separation in your premises was inadequate. It was found that there were a number of breaches within the service risers and also within the ceiling of the basement.

Suggested action to remedy failure

The responsible person should provide suitable fire resisting separation by repairing any holes. All breaches must be infilled with fire resisting material, closely packed to form an effective fire barrier. All works must be completed by a competent person.

Risk Assessment

Failure

A Fire Safety Risk Assessment was not available at the time of the inspection

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 a written fire risk assessment was requested for reviewing however, you were unable to provide a copy.

Suggested action to remedy failure

The fire risk assessment must be available when requested. The responsible person must get a competent person to carry out a suitable and sufficient fire risk assessment of the premises.

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 your preventative and protective measures had not been planned, organised, controlled, monitored and reviewed where required. It was found that:

- (1) There was no evidence in place to show that the maintenance of the premises fire alarm, emergency lighting and the automatic opening vents had been planned and organised.
- (2) The testing of the premises fire alarm, emergency lighting and automatic opening vents had not been planned and organised.
- (3) The use of wedges holding open fire doors throughout the premises had not been controlled.
- (4) The emergency plan in relation to residents (new and existing) and their ability to implement the emergency plan is not subject to effective monitoring or review.
- (5) The build up of combustibles such as sofas and mattresses within the common parts of the premises had not been controlled and monitored.
- (6) The use of personal extension leads being used from the communal areas leading into flats had not been controlled and monitored. Evidence of this was found at flat 8.
- (7) The securing of riser cupboards had not been controlled. There was a number of riser doors left open and unlocked throughout the premises.
- (8) The information and Instruction in the form of a zone map to assist operational crews of the fixed smoke detection system had not been planned and organised.

Suggested action to remedy failure

Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.

Emergency Routes and Exits

Failure

The escape routes and exits could not be used as quickly and as safely as possible

Legislation Applicable

Article 14 (2) (b) of the Regulatory Reform (Fire Safety) Order 2005

In the event of a fire, it is important that persons can evacuate safely and as quickly as possible.

The inspection revealed that:

- (1) The final exit door (main entrance door) leading from the premises does not incorporate a 'failsafe' mechanism or a manual override to release the door quickly in an emergency.
- (2) The passive FIRE RESISTING construction protecting the means of escape of relevant person had been breached by installing a vent to the fire door serving the basement.

Suggested action to remedy failure

- (1) Exit doors controlled by electronic locking devices must be able to be opened after the activation of the fire alarm or if there is a power failure. A manual override door release is to be installed. It is essential that escape routes and the means provided can be used safely. The escape routes and final exits must be managed and maintained to ensure that they remain usable and available at all times when the premises are occupied.
- (2) Ensure the required passive FIRE RESISTING construction is reinstated to the fire door. All works must be completed by a competent person.

Procedures for Serious and Imminent Danger and for Danger Areas

Failure

Insufficient information was made available to persons in the event of serious and/or imminent danger

Legislation Applicable

Article 15 (2) (a) of the Regulatory Reform (Fire Safety) Order 2005

You must provide information concerning any significant risks to staff and other relevant persons that have been identified in your fire risk assessment or any similar assessment carried out by another user and responsible person in the building.

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 must have adequate procedures for serious and imminent danger and for danger areas and must be established and followed. This can be achieved by having fire action notices throughout the premises making sure that they are all giving a consistent approach on the actions to take on discovering a fire. 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 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:

- (1) 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. The PROTECTED ROUTE has been compromised by the fitting of doors that do not provide 30-minute fire protection. Evidence of this was to flat door 13 where there were excessive gaps plus a breach in the passive fire resisting construction of flat door 17.
- (2) There was a number of doors leading onto the single staircase that did not fully self-close into their frames.
- (3) A service riser door was damaged and was not fit for purpose.
- (4) An intumescent strip to the fire door next to flat 9 was missing and to a number of service riser doors.
- (5) A Self-closing device was damaged to the fire door serving the 3rd floor. By not having self-closing device fitted could hinder the means of escape of relevant persons if a fire were to occur within this room.

Suggested action to remedy failure

- (1) 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.
- (2) Make sure that all fire doors throughout the premises fully self-close into their frames. All works must be completed by a competent person.
- (3) Works must be carried out making sure that the service riser door is fit for purpose. All works are to be completed by a competent person.
- (4) A review should be carried out to all fire doors throughout the premises making sure that they are fit for purpose. All works are to be completed by a competent person.
- (5) Fix the self-closing device to fire door. All works are to be carried out by a competent person.

Maintenance

Failure

The fire alarm system is 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. The outcome of the service should be recorded.

The inspection revealed that it would appear that the premises fire alarm had been disconnected. You could not provide any evidence to show that the premises fire alarm system was subject to a suitable system of maintenance.

Suggested action to remedy failure

The responsible person must maintain the fire alarm system in an efficient state, efficient working order and in good repair which is evidenced by records. Failure to do so compromises the safety of occupants. The responsible person should ensure that the fire alarm is regularly tested and maintained in accordance with the above comments. In addition the fire alarm should be checked weekly and the, It is good practice to keep records of these checks.

Maintenance

Failure

The emergency lighting is inadequately maintained

Legislation Applicable

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

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 outcome of the service should be recorded.

The inspection revealed that there was no evidence to show that the emergency lighting was being suitably maintained.

Suggested action to remedy failure

The responsible person must ensure the emergency lighting system is maintained in an efficient state, efficient working order and in good repair and evidenced by records. All works must be carried out by a competent person. In addition, the emergency lighting should be checked monthly, It is good practice to keep records of these checks.

Maintenance

Failure

The automatic fire-fighting equipment is inadequately maintained

Legislation Applicable

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

Fixed installations must be maintained, tested and serviced to the standards recommended in the appropriate BS. The outcome of the service should be recorded.

The inspection revealed that there was no evidence to show that the automatic opening vents are being suitably maintained.

On testing the mechanical opening vent at the head of the stair by use of the manual call point, it failed to open.

Suggested action to remedy failure

The responsible person must ensure the automatic opening vents are maintained and in an efficient state, efficient working order and in good repair and evidenced by records. All works must be carried out by a competent person.

The responsible person should 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 reviewing the arrangements to ensure that adequate smoke ventilation is available to allow use of the exit route in the event of a fire.

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>

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