



Essex County
Fire & Rescue Service

Rick Hylton
Chief Fire Officer / Chief Executive

[REDACTED]
Mariner House
157 High Street
Southend-on-Sea
SS1 1LL

South East Group Service Delivery Point
Rayleigh Weir Fire Station
500 Rayleigh Road
Benfleet
SS7 3TR

[REDACTED]
southeastgroupsdp@essex-fire.gov.uk

Our Ref: 89720
Your Ref:

Date: 24 February 2022

Dear Sir,

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005
Premises: 157 High Street, Southend-on-Sea, SS1 1LL.

LETTER OF NON-COMPLIANCE

Further to the recent visit carried out on 15/02/2022 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.

No further audit will be carried out at this stage.

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,





Protection



REPORT

Premises **157 High Street, Southend-on-Sea, SS1 1LL.**
Premises UPRN. **10012151379**

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 relevant persons who are not employees.

Legislation Applicable

Article 8 (1) (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 all relevant persons.

8. - (1) The responsible person must;

(b) in relation to relevant persons who are not his employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.

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. there is insufficient fire stopping around cables and pipework within each of the riser cupboards of the stairway at the rear (West) of the premises. These breaches of compartmentation will allow the passage of fire and smoke to other parts of the premises.**
- 2. No Electrical Installation Condition Report or Gas Safety certificate was available at the time of inspection.**

Suggested action to remedy failure

- 1. The passing of services such as heating pipes or electrical cables through floors, fire-resisting walls or partitions may leave gaps through which fire and smoke may spread. The responsible person should ensure that this is rectified by suitable fire stopping. There**

are many proprietary products available for this purpose to suit particular types of construction. Such products should be installed by competent contractors.

2. It is recommended that all electrical circuits be inspected and tested by a competent electrician. All gas installations should be serviced and certificated annually by competent person registered with the Gas Safety Register.

Fire-Fighting and Fire Detection

Failure

The fire detection system is inadequate.

Legislation Applicable

Article 13 (1) (a) & 13 (2) of the Regulatory Reform (Fire Safety) Order 2005.

13. - (1) Where necessary (whether due to the features of the premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to safeguard the safety of relevant persons, the responsible person must ensure that –

(a) the premises are, to the extent that it is appropriate, equipped with appropriate fire-fighting equipment and with fire detectors and alarms....

- (i) If the building/premises has areas where a fire could develop undetected or where people work alone and might not see a fire, then it may be necessary to upgrade your fire-warning system to incorporate automatic fire detection.
- (ii) Automatic fire detection may be needed for a number of reasons. These can include:
 - if you have areas where people are isolated or remote and could become trapped by a fire because they are unaware of its development, such as lone workers;
 - if you have areas where a fire can develop unobserved (e.g. storerooms);
 - as a compensating feature, e.g. for inadequate structural fire protection, in dead-ends or where there are extended travel distances;
 - where smoke control and ventilation systems are controlled by the automatic fire-detection system.

The inspection revealed that it could not be confirmed how much, if any at all, of the installed fire detection/alarm system was functioning.

Suggested action to remedy failure

The responsible person should confirm the type and extent of the fire detection/alarm system required for the premises and ensure it is in place and operating satisfactorily.

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.

(b) in the event of danger, it must be possible for persons to evacuate the premises as quickly and as safely as possible;

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

The inspection revealed that it could not be confirmed at the time of the visit the exact nature of the items stored in the storage rooms/cupboards, found in the common areas containing the flat entrances.

Suggested action to remedy failure

It is understood that these rooms are used by the residents for the storage of household items. The responsible person should ensure that as these rooms are on part of the escape route, that a strict policy be introduced to prevent the storage of potential ignition sources and/or highly flammable materials.

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.

- (a) *so far as is practicable, require any relevant persons who are exposed to serious and imminent danger to be informed of the nature of the hazard and of the steps taken or to be taken to protect them from it;*

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 the evacuation strategy for the premises could not be confirmed.

Suggested action to remedy failure

The responsible person should identify the type of evacuation strategy required for the premises through a fire risk assessment 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.

17. - (1) *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 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 there was no evidence that the fire alarm system is being routinely tested or maintained.

Suggested action to remedy failure

The responsible person should ensure that the fire alarm system is routinely tested and maintained in accordance with BS 5839. The outcome of each test and the service should be recorded.

Consideration should be given to initiating a servicing contract with a competent contractor.

Maintenance

Failure

The emergency lighting is inadequately maintained

Legislation Applicable

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

17. - (1) *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.

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 that the emergency lighting was being routinely tested or maintained.

Suggested action to remedy failure

The responsible person should ensure that the emergency lighting system is regularly tested and properly maintained in line with the recommendations of BS 5266. The outcome of each test and the service should be recorded.

Consideration should be given to initiating a servicing contract with a competent contractor

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

38. - (1) *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.*
- (2) *Where the premises form part of a building, the responsible person may make arrangements with the occupier of any premises forming part of the building for the purpose of ensuring that the requirements of paragraph (1) are met.*
- (3) *Paragraph (2) applies even if the other premises are not premises to which this Order applies.*

- (4) *The occupier of the other premises must co-operate with the responsible person for the purposes of paragraph (2).*
- (5) *Where the occupier of the other premises is not also the owner of those premises, the reference to the occupier in paragraphs (2) and (4) are to be taken to be references to both the occupier and the owner.*

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 there was no evidence that the dry riser main or smoke control system installed in the premises are being maintained.

Suggested action to remedy failure

The responsible person should ensure that where facilities are provided for fire-fighting, such as fire-fighting shafts or lifts, smoke control systems for fire-fighting, dry and wet fire mains, foam inlets, information signs for fire-fighters, communication systems, static water supplies, private hydrants, standby fire pumps, sprinkler systems and fire-fighters switches etc., all such systems should be maintained and where appropriate, tested on a regular basis by a competent person.

All such maintenance and testing should be recorded in an appropriate log book.

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.
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11	Transport Premises and Facilities ISBN-13:978 1 851 12 825 9	Transportation terminals and interchanges e.g. airports, railway stations (including sub-surface), transport tunnels, ports, bus and coach stations and similar premises but excluding the means of transport (e.g. trains, buses, planes and ships)
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