

The Company Secretary
The Royal Borough of Kensington & Chelsea
Tenant Management Organisation Limited
292a Kensal Road
London
W10 5BE

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 23 December 2015
Our Ref 12/083909/ere

ENFORCEMENT NOTICE

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

TO :
Name: **The Royal Borough of Kensington & Chelsea Tenant Management
Organisation Limited**

Address: **292a Kensal Road, London W10 5BE**

Concerning Premises at: **Adair Tower, Appleford Road, London W10 5EA**

I Neil Orbell, 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 attached to this notice.

The relevant extracts of the legislation are attached.

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) to comply with the Order.

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.

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 **23 June 2016** (or such extension if granted by the Authority).


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 **Matthew Ramsey**.

Signed:



Dated: 23 December 2015

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 Inspecting Officer Matthew Ramsey
Direct T [REDACTED] Ext. [REDACTED]
FSR-AdminSupport@london-fire.gov.uk

Encl: FS03_01a
FS03_01b
FS03_06

cc.:

- 1) Janice Wray, TMO, Network Hub, 300 Kensal Road, London W10 5BE
- 2) Housing Department, The Royal Borough of Kensington and Chelsea, Town Hall, Hornton Street, London W8 7NX

Notes:

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).

SCHEDULE

Schedule referred to in the enforcement notice reference **12/083909/ere** under the Regulatory Reform (Fire Safety) Order 2005, issued by the London Fire and Emergency Planning Authority on **23 December 2015**

Certain terms written in BLOCK CAPITALS in this schedule are standard terms defined in "**Definitions of standard terms used in means of escape requirements**" which form part of this schedule. Where appropriate, a plan may form part of this Schedule to illustrate the steps which, in the opinion of the fire authority, need to be taken in order to comply with the Order.

NOTE : 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.

Article	Location and detail of matters which are considered to be failures to comply with the Order	Steps considered necessary to remedy the failures
Article 9(1)	<p>At the time of the audit the fire risk assessment for your premises was not suitable and sufficient.</p> <p>It was found that:</p> <ol style="list-style-type: none"> 1) During the fire that occurred at the premise on 31 October 2015 it was demonstrated that smoke compromised both staircases thorough internal and external means. 2) Inadequate consideration has been given to the existing and required standards for self closing flat entry doors. 3) No consideration given of use of LPG at roof level. 4) Inadequate consideration is given to signage to protected stair. 	<p>The fire risk assessment should be reviewed, with specific consideration given to:</p> <ol style="list-style-type: none"> 1) You should review the protection to each staircase-and the ventilation to the lobby, to ensure that the staircases are not affected by smoke and that the stairs are available for use by relevant persons and attending fire crews. 2) The Emergency plan for the premises and the provision of fire action notices for visitors and contractors. 3) Arrangements for the storage, handling and use of LPG cylinders present on the roof of the premises at time of audit. 4) Provision of directional signage.
Article 10	<p>At the time of the audit the risk reduction and prevention principles of the Order had not been applied correctly.</p> <p>It was found that risk critical items had not been properly addressed within the Fire Risk Assessment in relation to the fitting of self closing devices to flat entry doors and openable windows within the protected staircase.</p>	<p>Apply the principles of prevention contained in Schedule 1 Part 3 of the Order in the priority set out in that schedule. In relation to flat entry doors apply the procedures in relation to flat entry doors contained within section 17 of the TMO Fire Safety Strategy dated January 2013.</p>

<p>Article 11</p>	<p>At the time of the audit your preventative and protective measures had not been planned, organised and controlled where required.</p> <p>It was found that</p> <ol style="list-style-type: none"> 1) The fire safety measures outlined within Section 17 of the "TMO Fire Safety Strategy" dated January 2013 have not been planned or organised in relation to the fitting of self closing devices to flat entry doors. 2) There was a failure to effectively control the opening of windows in the protected staircase. 3) There was a failure to control obstructions to the external Dry Riser Inlet which at the time of audit obstructed by a large storage container. 	<p>Arrangements identified as not suitably addressed must be effectively planned, organised and controlled.</p> <ol style="list-style-type: none"> 1) In relation to flat entry doors, implement the measures outlined in the "TMO Fire Strategy" document dated January 2013. 2) Control the opening of windows within the protected staircase. 3) Implement adequate controls to prevent obstructions to the Dry Rising Main inlet.
<p>Article 17(1)</p>	<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 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. Fire risk assessment states that flat entrance doors are not fitted with self closing devices. 15 Doors were sampled during the audit. No flat entry door sampled was fitted with a positive action self closing device.</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.</p> <p>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.</p> <p>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>Flat entry doors should be adequately fire resisting to a minimum 30 minute fire resisting standard and be fitted with positive action self closing devices. 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 12	At the time of the audit a fire involving dangerous substances could place relevant persons at risk. It was found that LPG Cylinders were discarded on the flat roof of the premises.	Eliminate or reduce the risk posed by LPG Cylinders at roof level in accordance with HSE guidance.
Article 14	At the time of the audit the emergency routes or exits were inadequate. It was found that. 1) There was no directional signage to indicate which staircase was to be used in the event of emergency. 2) Windows on the protected staircase were easily openable. This could allow smoke to re-enter the staircase due to the close proximity of the open window to smoke vent outlets.	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. 1) Providing clear directional signage on each of the upper floors indicating the preferred route in the event of evacuation is the protected staircase route. 2) Providing adequate controls which will prevent windows on the protected staircase from being left in the open position.
Article 15(1)	At the time of the audit your procedures to be followed in the event of serious and imminent danger were inadequate. It was found that Emergency Instructions for actions to be taken in the event of fire are not displayed within the common parts of the premises for visitors and other relevant persons.	Adequate procedures for serious and imminent danger and for danger areas should be established and followed. This can be achieved by providing adequate fire action notices within the common parts of the premises.