

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

London Fire and Emergency Planning  
Authority runs the London Fire Brigade

Date 18 January 2016  
Our Ref 12/083276/PC

## **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 And Chelsea  
Tenant Management Organisation Limited**

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

Concerning Premises at: **Hazlewood Tower, Golborne Gardens, London, W10 5DT**

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 **18 July 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 **Inspecting Officer Terence Martin** .

**Signed:**



Assistant Commissioner  
(The Officer appointed for the purpose)

**Dated: 18 January 2016**

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.

Encl: FS03\_01a  
FS03\_01b  
FS03\_06

cc- The Royal Borough of Kensington and Chelsea, Town Hall, Hornton Street, London , W8 7NX

Reply to Terence Martin

Direct T [REDACTED] Ext [REDACTED]

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 **12/083276/PC** under the Regulatory Reform (Fire Safety) Order 2005, issued by the London Fire and Emergency Planning Authority on **18 January 2016**

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.

<b>Article</b>	Location and detail of matters which are considered to be failures to comply with the Order	<b>Steps considered necessary to remedy the failures</b>
Article 9(1)	<p>At the time of the audit the fire risk assessment for your premises was not suitable and sufficient. It was found that the fire risk assessment fails to adequately address the following;</p> <ol style="list-style-type: none"> <li>1. Flat front doors not being adequately self closing.</li> <li>2. The openable windows in the protected staircase adjacent to the smoke vents compromising the protected stair.</li> <li>3. No signage within the premises to identify the protected staircase from the accommodation staircase.</li> <li>4. No fire instruction notices are displayed on the premises to give instruction to relevant persons.</li> <li>5. The detrimental impact that the openable windows on the staircase and the lack of self closers have on the buildings ventilation system.</li> </ol>	<p>The fire risk assessment should be reviewed, with specific consideration given to;</p> <ol style="list-style-type: none"> <li>1. Flat front doors not being adequately self closing.</li> <li>2. The openable windows in the protected staircase adjacent to the smoke vents compromising the protected stair.</li> <li>3. No signage within the premises to identify the protected staircase from the accommodation staircase.</li> <li>4. No fire instruction notices are displayed on the premises to give instruction to visitors or workmen.</li> <li>5. Ensure the ventilation system is considered when providing solutions to the openable windows to the protected staircase and no self closers on the flat front doors.</li> </ol>

Article 10	At the time of the audit the risk reduction and prevention principles of the Order had not been applied correctly. It was found that a number of risk critical items had not been properly addressed within the fire risk assessment , some of those items are identified within the Responsible Persons TMO fire safety strategy. Dated January 2013	Apply the principles of prevention contained in Schedule 1 Part 3 of the Order in the priority set out in that schedule. In particular self closers to flat front doors and the openable windows in the protected staircase adjacent to the smoke vents.
Article 11	At the time of the audit your preventative and protective measures had not been planned, organised, controlled monitored or reviewed where required. It was found that the lack of self closers on residents flat front doors, whether tenant or leaseholder, had not been adequately managed.	Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.
Article 17(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. 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. The PROTECTED ROUTE has been compromised by the fitting of doors that do not provide 30 minutes fire protection to the access route because they do not have adequate self closers.	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. 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. 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. 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.

Article 14	At the time of the audit the emergency routes or exits were inadequate. It was found that the protected staircase is compromised by openable windows being installed. These windows are adjacent to the smoke vents and allow smoke back into the protected staircase rendering it impassable.	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 ensuring these window are all fixed/locked shut.
Article 14	At the time of the audit the emergency routes or exits were inadequate. It was found that there are 2 staircases within the building one is an accommodation staircase and one is the protected staircase. There is nothing to indicate which is the protected route.	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 installing signage to identify the protected staircase.
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 no instruction notices are displayed to give instruction to relevant persons, in an emergency, within the common areas.	Adequate procedures for serious and imminent danger and for danger areas should be established and followed. This can be achieved by displaying instruction notices to give instruction to relevant persons in an emergency.