



Mr Ajaz Ali
203 Kilburn High Road
Kilburn
London
NW6 7HY

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date: 31 May 2012
Our Ref FS/NW/28/010123

ENFORCEMENT NOTICE

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

TO :
Name: **Mr Ajaz Ali**
Address: **203 Kilburn High Road London NW6 7HY**
Concerning Premises at: **203 Kilburn High Road London NW6 7HY**

I Steve Turek, 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 failures 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 failures 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 August 2012** (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 Peter Francis**.

Signed:



Dated:

31/05/2012

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) Act 1928, 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 2000 or an Approved Inspector under the Building (Approved Inspectors etc) Regulations, 1995. Regard must also be taken, where applicable, of the provisions of the London Building Acts (Amendment) Act 1939 as amended.

Encl: FSD3_01a
FSD3_01b
FSD3_06
GN 08
GN 66

Reply to Peter Francis
Direct T 0208 555 1200 ext 38722
Direct F 0208 536 5930

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 **28/10123** under the Regulatory Reform (Fire Safety) Order 2005, issued by the London Fire and Emergency Planning Authority on **31 May 2012**.

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 8	General fire precautions to, so far as is reasonably practicable, ensure the safety of relevant persons have not been implemented. Inadequate fire separation exists between the electrical intake cupboard and a stair accessing private accommodation located on the first floor.	Implement the general fire precautions identified as necessary by the fire risk assessment for the premises. Suitable levels of fire separation must be provided to ensure that fire in this area does not affect the stair, this should be in the form of a fire resisting enclosure between the electrical intake area and the stair underside.
Article 8	General fire precautions to, so far as is reasonably practicable, ensure the safety of relevant persons have not been implemented. Glazed openings on the single escape route at ground floor level do not appear to be of a fire resisting standard.	Implement the general fire precautions identified as necessary by the fire risk assessment for the premises. Any opening must be glazed to a minimum 60 minute fire resisting standard - or closed off with a suitably fire resisting material.
Article 9(6)	A fire risk assessment has not been carried out. Evidence of fire risk assessment was not demonstrated during audit of the premises.	Carry out a fire risk assessment and record the significant findings in accordance with guidance note No.66 enclosed.
Article 11(1)	Suitable arrangements for the effective monitoring and review of the protective measures are not in place. During the audit no evidence could be found of recent maintenance to fire extinguishers, fire alarm detector head and emergency lighting.	Suitable arrangements for the effective monitoring and review of the preventative and protective measures must be made and implemented. The preventative and protective measures are the measures that have been identified by a risk assessment as the general fire precautions the responsible person needs to take to comply with the Order.
Article 11(1)	Suitable arrangements for the effective monitoring and review of the protective measures are not in place. During the audit the smoke detector in the ground floor retail area was found to be taped over and no evidence of recent testing or maintenance. Fire precautionary	Suitable arrangements for the effective monitoring and review of the preventative and protective measures must be made and implemented. The preventative and protective measures are the measures that have been identified by a risk assessment as the general fire precautions the responsible person needs to take to comply with the Order.

	equipment must be subject to regular monitoring to ensure correct functioning at all times and regular checks implemented.	
Article 11(1)	Suitable arrangements for the effective control and review of the protective measures are not in place. During the audit it was identified that large amounts of combustibles were being stored in the electrical intake cupboard.	Suitable arrangements for the effective control and review of the preventative and protective measures must be made and implemented. The preventative and protective measures are the measures that have been identified by a risk assessment as the general fire precautions the responsible person needs to take to comply with the Order.
Article 11(1)	Suitable arrangements for the effective control and review of the protective measures are not in place. During the audit various items including a cycle were found to be obstructing a single means of escape route leading from the first floor accommodation area.	Suitable arrangements for the effective control and review of the preventative and protective measures must be made and implemented. The preventative and protective measures are the measures that have been identified by a risk assessment as the general fire precautions the responsible person needs to take to comply with the Order. The route should be maintained clear at all times and regular checks implemented to ensure ongoing compliance with the Order.
Article 13(1)	Insufficient or inadequate fire detectors and/or alarms have been provided. Persons sleeping on the premises at first floor level would not be aware of fire on the premises before fire could develop sufficiently to prevent relevant persons making their escape.	Provide an electrical fire detection and warning system. Installation of a fire warning system as specified in the current BS5839 pt.1 to at least a category L3, or to an equivalent standard. Any changes/improvements to the system must be made by a competent person.
Article 13(1)	Insufficient or inadequate fire-fighting equipment has been provided. Persons on the premises could not remove risk to relevant persons by extinguishing a small fire before it poses a significant risk to those on the premises or protect themselves or others from fire, including by ensuring the means of escape can be safely used.	Provide firefighting equipment appropriate to the fire hazards so that people may protect themselves or assist others in an emergency. Guidance Note 8 (attached) provides advice.

Article 14(2) (b)	In the event of danger persons would be unable to evacuate as quickly and as safely as possible due to inadequate protection to emergency route from fire. This is because fire doors on the single means of escape route from the first floor accommodation area are not provided to all openings which would allow fire to spread into the escape route and/or the route to fill with smoke before people can use it to escape.	Provide suitable fire resisting door sets to the current BS 476 Part 22, or an equivalent standard, to the openings. Positive action self-closing devices which complies with BS EN standards or an equivalent must be fitted to the fire doors. The door sets must be installed by a competent person who has sufficient training and experience or knowledge and other qualities to enable him or her to properly install them.
Article 14(2) (h)	There is no adequate means for illuminating the emergency escape route because there is inadequate emergency lighting and insufficient borrowed light available.	A system of emergency lighting with adequate intensity must be installed e.g. Self-contained luminaires conforming to the current British Standard or a system complying to the current BS 5266 pt.1 or an equivalent standard.
Article 14(2)	The emergency route from the first floor accommodation area does not lead, as directly as possible, to a place of safety. This results in an excessive time to evacuate the premises.	Provide a suitable means of escape from the first floor accommodation area. Alternatively the installation of a fire warning system as detailed within Article 13 of this schedule will compensate for the inadequate emergency route.
Article 15(1) (a)	No evidence could be produced or found of established procedures to be followed in the event of serious and imminent danger to relevant persons.	The responsible person must establish and, where necessary, give effect to appropriate procedures, including safety drills, to be followed in the event of serious and imminent danger to relevant persons. This can be in the form of an emergency plan and the provision of fire action notices for general reference purposes.
Article 17(1)	Inadequate maintenance of fire fighting equipment. Fire extinguisher has not been subject to recent test or maintenance.	Arrange maintenance to ensure any fire fighting equipment provided is in an efficient state, in effective working order and in good repair. An ongoing maintenance regime must be put in place. The maintenance regime must be subject to effective planning, organisation, control, monitoring and review in accordance with article 11 of the Order.
Article 17(1)	Inadequate maintenance of emergency lighting. A unit located on the ground floor escape route does not appear to have been subject to recent test or maintenance.	Arrange maintenance to ensure the emergency lighting unit located on the ground floor escape route is in an efficient state, in effective working order and in good repair. An ongoing maintenance regime must be put in place. The maintenance regime must be subject to effective planning, organisation, control, monitoring and review in accordance with article 11 of the Order.