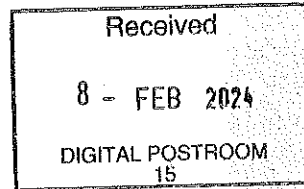




The Chief Executive
London Borough of Brent
Brent Civic Centre
Engineer's Way
Wembley
Middlesex
HA9 0FJ

The London Fire Commissioner is the
fire and rescue authority for London

Date 1 February 2024
Our Ref 28/010455/PG



Dear Sir/Madam

Premises: The Aura, 763-765 Harrow Road, Wembley, HA0 2LW

SERVICE OF PROHIBITION NOTICE

The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (as amended) (The Order) in London.

On **27 January 2024** the Commissioner served a prohibition notice under Article 31 of the Regulatory Reform (Fire Safety) Order 2005 (as amended) (the Order) in respect of use of the above premises. I enclose a copy of that notice for information of your officers.

The prohibition notice was served as in the opinion of the Commissioner, the risk to members of the public in case of fire was so serious that prohibition or restriction of use was necessary to protect those persons from imminent serious personal injury.

The Commissioner would be grateful for any assistance you are able to offer locally in monitoring use of these premises and ensuring that persons are not placed at risk by using the premises for the prohibited use(s). Contravention of a prohibition notice is an indictable offence under Article 32(2)(h) of the Order. In the event that your officers witness use of the premises in contravention of the notice, we would be grateful if you could provide evidence of that, as we will consider taking a prosecution against those responsible.

Should the responsible person for the premises not make adequate arrangements to prevent the premises being used in contravention of the notice, The Commissioner may seek your assistance to ensure that persons are not placed at risk. This may include a request that action is taken under your powers to secure the premises.

We will notify you if the prohibition imposed is lifted due to action taken by the responsible person or is withdrawn by the Commissioner.

I should be grateful if you would bring this letter to the attention of the appropriate departments in your Authority.

I have written in similar terms to the Metropolitan Police Borough Commander.



LONDON FIRE BRIGADE

PROHIBITION NOTICE

NOTICE ISSUED UNDER ARTICLE 31 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005 (as amended)

Premises to which this notice relates: The Aura Wembley Ltd, 763 – 765 Harrow Road, Wembley, HAO 2LW.

Use of the premises to which this notice relates: Restaurant, Bar and Shisha Lounge

Name of responsible person: *The Responsible Person for the premises to which this notice relates*

Name of authorising officer: DAC Andy Pennick

The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (as amended), hereafter referenced as 'The Order', in London.

A duly authorised representative of the Commissioner is of the opinion that the use of the premises to which this notice relates involves, or will involve, a risk to relevant persons so serious that the use of the premises ought to be prohibited.

The duly authorised representative of the Commissioner is of this opinion because:


- Fire separation between floors is insufficient
- The means of escape is inadequate
- The means of giving warning in case of fire is insufficient.
- Escape routes are blocked or obstructed by combustible materials.
- Quick and safe evacuation is compromised by the presence of highly combustible materials.

The Commissioner hereby directs that the use of the premises to which this notice relates is prohibited or restricted as follows:

The ground floor must not be used by persons (other than those undertaking remedial works), until the matters identified above as giving rise to serious risk have been remedied.

In the opinion of the Commissioner the risk of serious personal injury to relevant persons is imminent. The prohibition or restriction specified in this notice has immediate effect.

This notice continues in force until the matters identified above as giving rise to serious risk have been remedied or the Commissioner withdraws it. Further works or measures may be required to achieve compliance with The Order. Where necessary, these will be detailed in a separate enforcement notice.

Signature:  Date: 27/01/2024

“Deputy Assistant Commissioner”
(Andy Pennick)

NOTES

1. Contravention of any prohibition or restriction imposed by a prohibition notice is an offence under Article 32 (2) (h) of The Order and renders the offender liable, on a summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine or imprisonment for a term not exceeding two years, or both.
2. In any proceedings for an offence referred to in note 1, where the person charged is a person other than the person on whom the prohibition notice was served, it shall be a defence for that person to prove that he/she did not know and had no reason to believe the notice had been served.
3. The person on whom the notice is served has a responsibility to take all reasonable steps to ensure compliance with the notice and is advised to make the effect of the notice known to those who might work on or resort to the premises. Failure to take such steps may constitute a contravention of the terms of the notice and render the person on whom the notice is served liable to the penalties described in note 1.
4. Your attention is drawn to the provision for appeal to a magistrates' court against this notice in Article 35 of The Order.

A person on whom a prohibition notice is served may appeal to the court within 21 days from the date on which the prohibition notice is served.

The bringing of an appeal does not have the effect of suspending this notice, unless on the application of the appellant, the court so directs (and then only from the giving of the direction).

ENVIRONMENT AND SAFETY INFORMATION ACT 1988 SECTION 4 - PROTECTION OF TRADE SECRETS

The above Act requires the Commissioner to maintain public registers of notices issued under Article 31 of The Order, (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 Assistant Commissioner, Fire Safety, within a period of 14 days following the service of the notice, requesting exclusion of these details (see Section 4 of the 1988 Act).