

Freedom of Information request reference number: 8842.1

Date of response: 31 July 2024

Request:

Could you please share reporting and any communication between the LFB and MIH Property Management / Bowlwonder Ltd in relation the Bethwin Road?

While we have a waking watch in place there have been no measures taken since the inspection.

Response:

The LFB Fire Safety Regulatory team have provided the correspondence we hold in relation to Bethwin Road since September 2023.

The last fire safety audit resulted in an Informal Notification of Deficiencies (NOD) being issued.

A copy of the NOD issued can be found on pages 3 to 9 of this document. Personal data has been removed from the NOD document under [section 40 of the FOIA –Personal Information](#).

Where a Fire Safety Audit (FSA) results in a notice being issued by the LFB, the reports themselves are exempt from release under The Freedom of Information Act (FOIA) provisions under [Section 31 of the FOIA](#) - law enforcement (Section 31(1)(g) combined with 31(2) (a) and 31(2) (c)).

I have reviewed the correspondence between LFB and MIH Property Management in relation to Bethwin Road. The correspondence relates to supporting information and evidence gathered during regulation activities at Bethwin Road. I believe that this correspondence is exempt from disclosure to you under [Section 31 of the FOIA \("law enforcement" – Section 31\(1\)\(g\) combined with 31\(2\) \(a\) and 31\(2\) \(c\)\)](#).

It is important that enforcing authorities are assisted in their investigations if witnesses and those responsible for compliance with regulations are willing to cooperate with the investigation on a voluntary basis and investigators are able to enter in discussions either verbally, or by correspondence, with those involved to enable them to explore all aspects of the case and then arrive at a decision as to the appropriate action to take.

We are of the view that the correct balance between the public interest in building safety and our ongoing regulatory involvement lies in making information about enforcement action

available (formal or informal) to those that request it, but in withholding the supporting information and evidence gathered during regulation activities.

I hope you find this information of use. Should you have any further questions please do let me know.

We have dealt with your request under the Freedom of Information Act 2000. For more information about this process please see the guidance we publish about making a request [on our website](#)

The Company Secretary
MIH Property Management Limited
55 Loudoun Road
London
NW8 0DL

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

Date 20 October 2023
Our Ref 91/002046/

Dear Sir/Madam

REGULATORY REFORM (FIRE SAFETY) ORDER 2005 (AS AMENDED): NOTIFICATION OF FIRE SAFETY DEFICIENCIES

Premises: 1 Bethwin Road, London SE5 0YJ

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 the Fire Safety Order (as amended) in London.

The Commissioner's Inspectors have recently carried out an inspection of the above-mentioned premises. During the inspection, it was noted that some fire safety matters require attention to reduce the risk of fire and/or reasonably ensure the safety of people using the premises. These matters need to be addressed in order to comply with the Fire Safety Order (as amended).

The matters that need to be addressed, together with the Commissioner's recommendations about the actions you should take are explained in the attached schedule. We recommend that action should be taken by **12 January 2024**.

If you are in any doubt about what you need to do to comply with the Fire Safety Order (as amended); or if there is anything in the schedule that you do not understand or need further explanation of then please contact the Inspector named at the end of this letter. If you are dissatisfied in any way with the response given please ask to speak to the Team Leader quoting the above reference.

You may also wish to know that fire safety guidance for businesses can be found on the Commissioner's website at www.london-fire.gov.uk under the heading 'Fire safety at work'. Additionally, guidance on general fire precautions and how to comply with the Fire Safety Order (as amended) can be found at www.Gov.uk under the heading 'Fire safety law and guidance documents for business'.

When undertaking fire safety works at your premises you may need to seek approval for what you are going to do. Examples of this would include:

- any building works for which you are obliged to notify or seek the approval of Building Control;
- if your premises have a listed heritage status, approval from the local authority conservation officer; or
- if your premises are licenced then you may need to consult the relevant licensing or approvals authority.
- It is your responsibility to consult the relevant bodies and obtain any necessary approvals.

I would ask you to note that as well as placing people at risk, operating premises without having adequate general fire precaution in place to remove or reduce fire risk and to ensure people can safely escape if a fire does occur can result in a criminal offence being committed. This letter and its associated schedule are consequently issued without prejudice to any legal action the Commissioner may subsequently take regarding failures to comply with the Fire Safety Order (as amended).

Yours faithfully,

[Redacted signature]

for Assistant Commissioner (Fire Safety)

Directorate of Operations

FSR-AdminSupport@london-fire.gov.uk

Reply to Inspecting Officer [Redacted]

Direct T 0208 555 1200 ext [Redacted]

Enc: Form FS03_01b Legislation Extracts
Form FS03_06 Definitions of standard terms

Cc: [Redacted]@mihproperty.co.uk
[Redacted]@mihproperty.co.uk

Notes to accompany the Notification of Deficiencies schedule.

Important information to consider before taking remedial steps:

1. Certain terms written in BLOCK CAPITALS in the attached schedule are standard terms defined in "Definitions of standard terms used in means of escape requirements" which form part of this schedule.
2. Officers of the Commissioner may visit your premises again to check on the action you have taken.
3. **Notwithstanding any consultation undertaken by the Commissioner, 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.**
4. There may be suitable alternative safety measures to those detailed in this schedule, which would meet the requirements of the Order. If you wish to propose or discuss any alternative measures you should get in touch with the person named as the contact above, before you take any action, to ensure that your proposed measures are deemed satisfactory by the Commissioner.
5. Remedial steps must be undertaken by a competent person who has sufficient training, experience, knowledge or other qualities to enable him or her to properly undertake them.
6. We recommend that remedial steps are undertaken in accordance with the appropriate British or European Standards, or recognised industry guidance.

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Your rights when Fire Safety Inspecting Officers take action.

The Commissioner has a duty to enforce the Regulatory Reform (Fire Safety) Order 2005.

If an Inspector:

tells you to do something - you have a right to a verbal and written explanation of what needs to be done and why.

Intends to take immediate action - for example by issuing an enforcement notice this will include a written explanation either forming part of the notice or by separate letter.

Issues a formal notice - you will be told in writing about your right to appeal to a magistrates' court. You will be told:

- ◆ how to appeal;
- ◆ where and within what period an appeal may be brought; and
- ◆ that action required by a prohibition/restriction notice is not suspended while an appeal is pending unless the court so directs.
- ◆ that action required by an enforcement notice is suspended while an appeal is pending.

Issues a Notification of Fire Safety Deficiencies - full discussion should have taken place and agreed improvements to bring the premises up to minimal standards should be formulated. A Notification of Fire Safety Deficiencies carries no statutory force but may result in formal action being considered if the agreed improvements do not take place.

The procedures and rights above provide ways for you to have your views heard. If you are not happy with the inspecting officer's action you should contact the Team Leader on the telephone number shown at the head of the covering letter in the first instance.

ENVIRONMENT AND SAFETY INFORMATION ACT 1988

SECTION 4 - PROTECTION OF TRADE SECRETS

The above Act requires the London Fire Commissioner 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 Commissioner 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

PREMISES: 1 Bethwin Road, London SE5 0YJ

FILE NUMBER: 91/002046

This schedule should be read in conjunction with the Commissioner's letter dated **20 October 2023**.

The condition(s) specified in the Regulatory Reform (Fire Safety) Order 2005, were being contravened and the following step(s) need(s) to be taken in order to comply with the above legislation:

Article	Area of Concern	Steps Considered necessary to remedy the contravention.
Article 11	<p>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:</p> <ol style="list-style-type: none">1) Review of the fire risk assessment was not effectively monitored.2) Maintaining the means of escape free and clear of obstruction was not effectively monitored or controlled.3) The provision of effective fire stopping within the premises was not effectively monitored.4) Controlling of storage in riser cupboards was not effectively monitored.5) Several damaged fire doors were identified throughout the premises	<p>Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.</p>
Article 14	<p>At the time of the audit the emergency routes or exits were inadequate. It was found that bike were being stored on corridors.</p>	<p>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 removing the bikes and enforce a strict no storage policy.</p>
Article 17	<p>At the time of the audit you had not ensured that a suitable system of maintenance was in place in your premises. It was found that several fire doors were damaged within the premises.</p>	<p>Arrange initial and ongoing maintenance to ensure fire safety measures are kept in an efficient state, working order and good repair. This can be achieved by appointing a competent contractor to conduct a fire door survey and carryout remedial works where required.</p>

Article 8	At the time of the audit the general fire precautions required to prevent fire and smoke spread via shafts, risers or ducting were inadequate. It was found that expanding foam was used to fill gaps in riser cupboards and the plantroom. This was not suitable based on the size of the gaps.	Take the general fire precautions required to prevent fire and smoke spread by appointing a competent person to conduct a survey on fire stopping in the premises and carry out remedial works where required.
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*****RECOMMENDATIONS NOT FORMING REQUIREMENTS OF THE SCHEDULE*****

The Commissioner would strongly urge that you consider the presence of combustible façade cladding materials as part of the risk assessment process for these premises. All relevant information about any replacement window and facade schemes should be made fully available to fire risk assessors. Where no reliable information is available for a given property, a strategy to assess the risk and where necessary implement short, medium and long term actions to address the risk should be implemented.

Where remedial measures are to be undertaken to which consultation requirements under Section 20 of the Landlord and Tenant Act 1985 will apply, the Commissioner would urge you to consider application of the disapplication provisions under Section 20ZA of that Act.