

Freedom of Information request reference number: 6325.1

Date of response: 18 February 2022

Request:

i) Please provide all the 'Notice of Deficiency' issued to New Atlas Wharf in the last 6 months. I appreciate there may be a slight overlap in the request below.

ii) I note the LFB has the postcode for NAW as E14 3RP. The correct postcodes for NAW are E14 3SS and E14 3ST. Perhaps E14 3RP was the postcode in earlier decades. I am not sure if this would change the results of my earlier request. If so, please provide all the 'Notice of Deficiency' issued over the last 5 years for E14 3SS/ST.

Response:

There have been no notices of deficiency issued for New Alas Wharf in the last 6 months.

The screenshot below, from the fire safety record for this building, shows that it now appears to have correct postcode of E14 3ST allocated to the record:

Fields marked with * are mandatory.

UPRN: 6140363
File No: 05/002408
Building Name: New Atlas Wharf
Address: NEW ATLAS WHARF
3 ARNHAM PLACE
LONDON
E14 3ST
Use: D - Purpose Built Flats >=4 floors *
Borough: Tower Hamlets
Borough Team: FSR Tower Hamlets & Newham *
Station Ground: F23 - Millwall *
Premises Description

The screenshot below shows the complete fire safety audit history for this building:

File No: 05/002408 (UPRN:6140363) NEW ATLAS WHARF 3 ARNHAM PLACE LONDON E14 3ST

Occupier	Address
Default Property	NEW ATLAS WHARF, 3 ARNHAM PLACE, LONDON, E14 3ST

↑ (1 record found)

Job No.	Type	Status	Post	Last Step	Date Completed
2203830	Fire Safety Audit	Active	I857	10.02	
2137258	Goodwill Advice - Other Authorities	Active	I884	80.00	
2125136	Fire Safety Audit	Completed	I884	90.00	02/07/2021
1945934	Informal Notification of Deficiencies	Completed	I869	40.00	16/12/2019
1915250	Fire Safety Audit	Completed	I869	150.80	16/12/2019
1621640	Fire Safety Audit	Completed	I884	90.00	28/09/2016
1542054	Fire Safety Audit	Completed	I832	90.00	18/04/2016
1369471	Fire Safety Audit	Completed	I869	180.00	24/12/2013
1041086	Fire Safety Audit	Completed	I869	180.00	24/08/2010

↑ (9 records found)

There has only been one informal notice of deficiency (NoD) issued in 2019. I have included a copy of the NoD issued on pages 03 to 08 of this document.

The results of the last, completed fire safety audit which took place at New Atlas Wharf in July 2021 confirmed no significant failure to comply with the Regulatory Reform (Fire Safety) Order 2005 (RRO) were found and as a result the premises was deemed broadly compliant. This means that no enforcement action (informal or formal) was required as a result and no notices were issued by the LFB.

There also appears to be an 'active' fire safety audit record for the premises. This means there is currently another fire safety audit planned or in progress, but not yet complete. The result of this audit are not yet available.

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: <https://www.london-fire.gov.uk/about-us/transparency/request-information-from-us/>

The Company Secretary
New Atlas Wharf (Management) Limited
New Atlas Wharf
3 Arnhem Place
London
E14 3SS

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

Date 16 December 2019
Our Ref 05/002408/FM

Dear Sir/Madam

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

Premises: New Atlas Wharf, 3 Arnhem Place, London E14 3RP

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 (The Order) 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 Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order).

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 **27 January 2020**.

If you are in any doubt about what you need to do to comply with the Fire Safety Order; 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 web-site 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 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.

Yours faithfully

for Assistant Commissioner (Fire Safety)

Directorate of Operations

FSR-AdminSupport@london-fire.gov.uk

Reply to Inspecting Officer [REDACTED]
Direct T 02085551200 Ext. [REDACTED]

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

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: New Atlas Wharf, 3 Arnhem Place, London E14 3RP****FILE NUMBER: 05/002408**This schedule should be read in conjunction with the Commissioner's letter dated **16 December 2019**

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.</p> <p>It was found that:</p> <p>1) Maintenance of the lifts identified, as for use by Fire Crews in emergencies, had not been planned or organised.</p> <p>2) Maintenance of the common parts had not been organised or reviewed. Within the apartments' protected lobby in Level 3 of Core 1, the ceiling panel was missing with pipes exposed.</p>	<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.</p> <p>It was found that:</p> <p>1) The 60 minute FIRE RESISTING construction protecting the corridor, had been breached due to the ceiling of the lobby in Level 4 of Core 5.</p> <p>2) There is a sizeable breach within the wall, where the dry riser inlet is installed, by the lift within Level 7 of Core 5.</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.</p> <p>This can be achieved by:</p> <p>1) Ensuring the FIRE RESISTING construction is reinstated, in the ceiling of the lobby in Level 4 of Core 5.</p> <p>2) Provide suitable FIRE RESISTING separation by ensuring that the dry riser inlet within Level 7 in Core 5, is FIRE RESISTANCE enclosed to a minimum standard of 60 minutes.</p>

<p>Article 17</p>	<p>At the time of the audit you had not ensured that a suitable system of maintenance was in place in your premises.</p> <p>It was found that:</p> <p>1) The fire detection system was not being suitably maintained, as some of the fire panels within the Core blocks were showing faults.</p> <p>2) The lifts identified as lifts used by Fire Crews in emergencies, were not adequately functioning. This is for the purpose of Fire Crews being able to access these lifts easily and quickly.</p>	<p>Arrange initial and ongoing maintenance to ensure fire safety measures are kept in an efficient state, working order and good repair.</p> <p>This can be achieved by:</p> <p>1) Ensuring the fire detection system is maintained in efficient working order.</p> <p>2) Ensuring that all of the lifts used by Fire Crews in emergencies, are adequately serviced to ensure that they are fully functioning.</p>
<p>Article 38</p>	<p>At the time of the audit a suitable system of maintenance of the firefighting measures was not in place.</p> <p>It was found that:</p> <p>1) The lifts identified for use by Fire Crews in emergencies, were not being suitably maintained.</p>	<p>Arrange initial and ongoing maintenance to ensure firefighting measures are kept in an efficient state, working order and good repair.</p> <p>This can be achieved by:</p> <p>1) Maintaining the fire lifts.</p>

*****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.