

**Freedom of Information request reference number:** 6161.1

**Date of response:** 08 December 2021

**Request:**

*Osprey House, Lynton Road, SE1*

*A fire safety inspection was carried and i need to request here for a copy and to quote the file number 91/224308.*

**Response:**

Our Fire Safety Regulatory team have confirmed that they conducted a fire safety audit at Osprey House, SE1 on 08 October 2021.

The result of the audit confirmed that some fire safety matters require attention to reduce the risk of fire and/or reasonably ensure the safety of people using the premises and these matters need to be addressed in order to comply with Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order). As a result, an informal notification of (fire safety) deficiencies (NOD) was issued for the premises (attached below to this response). Personal data has been removed from the attached document under [section 40 of the FOIA](#) – Personal Information.

When issuing a NOD the expectation is that the issues are minor enough that they can be rectified without needing any formal intervention from the LFB (which is different to an [Enforcement Notice](#)). As such, it would be for the Responsible Person(s) of the premises to be satisfied the deficiencies noted are addressed appropriately and within the recommend time frame. The LFB will then check these issues when the property is visited at the next routine inspection (according to the level of risk).

The LFB freely provide the outcome of Fire Safety Audits and notices issued under freedom of information act. Other documents (such as the fire safety audit report completed by the LFB Inspecting Officer) will usually be exempt from access via the FOIA provisions. We consider these to be exempt under [Section 31 of the FOIA](#) ("law enforcement" – Section 31(1)(g) combined with 31(2) (a) and 31(2) (c)).

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.

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/>



LONDON FIRE BRIGADE

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The Chief Executive  
Hexagon Housing Association Limited  
130-136 Sydenham Road  
London  
SE26 5JY

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

Date 13 October 2021  
Our Ref 91/224308/EB

Dear Sir/Madam

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

**Premises: Osprey House, 284 Lynton Road, London SE1 5ZP**

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 **2 February 2022**.

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](http://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](http://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,

PP [REDACTED]

**for Assistant Commissioner (Fire Safety)**

Directorate of Operations

[FSR-AdminSupport@london-fire.gov.uk](mailto:FSR-AdminSupport@london-fire.gov.uk)

Reply to Inspecting Officer [REDACTED]

Direct T 020 8555 1200 ext [REDACTED] / [REDACTED]

Enc: Form FS03\_01b Legislation Extracts  
Form FS03\_06 Definitions of standard terms

Cc: [REDACTED][@hexagon.org.uk](mailto:[REDACTED]@hexagon.org.uk)

[REDACTED][@hexagon.org.uk](mailto:[REDACTED]@hexagon.org.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: Osprey House, 284 Lynton Road, London SE1 5ZP**

**FILE NUMBER: 91/224308**

This schedule should be read in conjunction with the Commissioner's letter dated **13 October 2021**.

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 the responsible person had not:</p> <p>1)Controlled the means of escape to ensure it was a sterile environment.</p> <p>2)Reviewed the PROTECTED ROUTE to ensure there was suitable FIRE RESISTANCE.</p> <p>3)Reviewed the ventilation system in the to ensure it was suitably maintained.</p> <p>4)Organised regular maintenance of the ventilation system.</p> <p>5)Organised the programme of works to carry out the action plan in the fire risk assessment.</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. It was found that:</p> <p>1)The 4th floor riser cupboard in the flat lobby was constructed with regular single layered plasterboard with little/no fire stopping around the doorframe. This provided inadequate FIRE RESISTANCE to the PROTECTED ROUTE.</p> <p>2)There was poor fire stopping</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 ensuring that the exit widths are sufficient for the number of persons that may use them, ensuring the FIRE RESISTING construction is reinstated, and ensuring that the protected corridor has a minimum of 30 minute FIRE RESISTANCE.</p>

<p>continued</p>	<p>around dry riser main outlet on the 4th floor. This means that the 30 minute FIRE RESISTING construction protecting the corridor had been breached.</p> <p>3)There was poor fire stopping in 4th floor water meter cupboard due to excessive use of pink PU foam. This means that the 30 minute FIRE RESISTING construction protecting the corridor had been breached.</p> <p>4)There was poor fire stopping in 4th floor electrical meter cupboard due to excessive use of pink PU foam. This means that the 30 minute FIRE RESISTING construction protecting the corridor had been breached.</p> <p>5)There was poor fire stopping in 3rd floor electrical meter cupboard due to excessive use of pink PU foam. This means that the 30 minute FIRE RESISTING construction protecting the corridor had been breached.</p> <p>6)There was poor fire stopping in 3rd floor riser cupboard in flat lobby due to excessive use of pink PU foam. This means that the 30 minute FIRE RESISTING construction protecting the corridor had been breached.</p> <p>7)All risers on 2nd floor exhibited poor fire stopping due to excessive use of pink PU foam. This means that the 30 minute FIRE RESISTING construction protecting the corridor had been breached.</p> <p>8)The 1st floor flat lobby door was wedged open. This meant that the protected staircase had inadequate FIRE RESISTANCE.</p>	
<p>Article 14</p>	<p>9)On the 1st floor, drawers are</p>	

<p>continued</p>	<p>stored in the flat lobby means of escape which restricted the width of the escape route.</p> <p>10)There was poor fire stopping from the ground floor water meters cupboard, due to excessive use of pink poly urethane foam. This means that the 30 minute FIRE RESISTING construction protecting the corridor had been breached.</p> <p>11)There was a motorcycle parked by rear emergency exit, which restricted the width of the escape route. Flats 16-26.</p> <p>12)There was poor fire stopping from the ground floor water meters cupboard, due to excessive use of pink poly urethane (PU) foam. This means that the 30 minute FIRE RESISTING construction protecting the corridor had been breached.</p> <p>13)There was a child's scooter stored in the escape route, by the rear fire exit, which restricted the width of the escape route.</p> <p>14)There was a 'Coffee' table and large plant stored in the 4th floor flat lobby. Which restricted the width of the escape route. Poor fire stopping in 4th floor flat lobby gas meter cupboard due to excessive use of pink PU foam. This means that the 30 minute FIRE RESISTING construction protecting the corridor had been breached.</p> <p>16)There was a pram stored in the 3rd floor flat lobby by flat 25, which restricted the width of the escape route.</p> <p>17)Scooter and shoes were stored in the escape route by flat 16 on the 1st floor, which restricted the width of the escape route.</p>	
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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 in block 4-15 the 4th floor electrical riser cupboard did not have suitable FIRE RESISTANCE between each cupboard. This was due to an excessive use of pink foam between the 4th floor electrical riser cupboard and unmarked riser cupboard by the flat lobby entrance.	Take the general fire precautions required to prevent fire and smoke spread by installing suitable FIRE RESISTANCE doors between the riser cupboards.
Article 8	At the time of the audit the general fire precautions as identified in the significant findings of your fire risk assessment had not been implemented. It was found that the responsible person had not ensured that the action (RB-5V26V7) to remove a motorcycle parked by the rear exit had been carried out. Therefore, the management controls to ensure that emergency exit routes are available and clear at all material times as described by your risk assessment had not been implemented. Furthermore, at the time of the audit the responsible person had not ensured that the action to repair the carpet (RB-54SHF6) the staircase between 1st floor and ground had been carried out by the 22/08/2021. Therefore, management controls to ensure that emergency exit routes are safe for all relevant persons to use at all material times as described by your risk assessment had not been implemented.	Implement the significant findings of your fire risk assessment, in particular establish, manage and maintain systems to ensure emergency exit routes are available, clear, and safe to use at all material times.
Article 9	At the time of the audit the fire risk assessment for your premises was not suitable and sufficient. It was found that a review of the FIRE RESISTING compartmentation and separation throughout the PROTECTED ROUTE has not taken place.	The fire risk assessment should be reviewed, with specific consideration given to ensuring the FIRE RESISTANCE of all walls, floors, ceilings and doors is sufficient and has not been compromised and is subject to suitable maintenance.

**\*\*\*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.