

Freedom of Information request reference number: 6019.1

Date of response: 28 September 2021

Request:

You publish details of enforcement notices. On 23 July you issued an enforcement notice in respect of a care home (61 Castletown Avenue, Wembley). Beyond the responsible person, which other organisations were informed of this notice? Specifically, were the local authority and the Care Quality Commission notified? Beyond your website, are there any other sources of information for the public about this enforcement notice?

Response:

Please find attached copy of the Enforcement Notice (EN) letter issued to Salisbury Support 4 Autism Limited on 23 July 2021. You will see from the cc's on page 3 of 8 of this letter that the local authority and the Care Quality Commission were notified. Personal data has been removed from the attached document under [section 40 of the FOIA – Personal Information](#).

I have reviewed the Fire Safety record for 61 Castletown Avenue, Wembley. The only other document on record, apart from the emails sending copies of the EN to CQC and Brent local authority, is the Fire Safety Audit form itself.

The LFB freely provide the outcome of Fire Safety Audits and notices issued under freedom of information act.

Other materials (including email correspondence and detailed notes), documents (such as the reports themselves or documents provided to us by the responsible person for the building) and other fire safety information held by the Brigade 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.

When the LFB identifies any safety concerns, we make this information available within informal notification of fire safety deficiencies (NOD), and through the [public register](#) any formal enforcement action. Where there is no fire safety concern that merits either formal or informal action, then this information should be protected from publication to preserve the safe space for good regulation principles and that any withheld information could be used at a later date as part of formal enforcement action or prosecution where the materials go to demonstrate the behaviour, actions or omissions of the responsible person.

We clearly understand that there is public interest and concern about knowing about the fire safety of the buildings in which people live, work or visit however we need to maintain a balance between the public interest in safety and the Brigade's ability to work with responsible persons in a safe space where honest, frank and meaningful discussions can take place. 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 take full contemporaneous notes and 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 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
Salisbury Support 4 Autism Limited
66 Albert Road
West Drayton
Uxbridge
United Kingdom
UB7 8ES

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

Date 23 July 2021
Our Ref 28/206488/OA

ENFORCEMENT NOTICE

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

TO :

Name: **Salisbury Support 4 Autism Limited**

Address: **66 Albert Road, West Drayton, Uxbridge, United Kingdom, UB7 8ES**

Concerning Premises at: **61 Castleton Avenue, Wembley, London HA9 7QE**

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.

I [REDACTED], Assistant Commissioner (Fire Safety Regulation) on behalf of the Commissioner hereby give you notice that the Commissioner 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 Commissioner, constitute the failure(s) to comply with the Order are specified in the Schedule of Fire Safety Observations attached to this notice. The Commissioner is further of the opinion that the steps identified in the schedule to this notice must be taken to remedy the specified failure(s) and comply with the Order.

The relevant extracts of the legislation are attached.

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 Commissioner.

The steps must be taken by **07 January 2022** (or such extension if granted by the Commissioner).

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 Commissioner, you will be deemed not to have complied with this notice.

If you fail to comply with the requirements of this notice, you may have committed an offence. The Commissioner 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 are 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** [REDACTED].

Signed:

[REDACTED]

Dated: 23 July 2021

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 Commissioner under the Petroleum (Consolidation) Regulations 2014, 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 2010 or an Approved Inspector under the Building (Approved Inspectors etc) Regulations, 2010.

Reply to Inspecting Officer [REDACTED]
Direct T 020 8555 1200 x [REDACTED]
FSR-AdminSupport@london-fire.gov.uk

Enc: Form FS03_01a
Form FS03_01b
Form FS03_06

Cc: [REDACTED]@ss4autism.com
[REDACTED]@brent.gov.uk
[REDACTED][@cqc.org.uk](mailto:[REDACTED]@cqc.org.uk)

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).

Notes relating to Schedule of Fire Safety Audit Observations attached to this notice.

Important information to consider before taking remedial steps:

1. Words 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 during the course of the notice, to ensure the dates within this plan are being followed.
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 the attached 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.

SCHEDULE

PREMISES: 61 Castleton Avenue, Wembley, London HA9 7QE

FILE NUMBER: 28/206488

This schedule should be read in conjunction with the Commissioner's Notice dated **23 July 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:</p> <ol style="list-style-type: none">1) The risk posed by the missing alarm call point with open wiring had not been controlled.2) The provision of early warning via automatic detection in high risk rooms has not been planned, organised, or reviewed.3) The completion of action points found within the Fire Risk Assessment (FRA), have not been planned and organised.4) The protection to the means of escape had not been controlled and monitored as referenced in Article 14 and 17.5) The use of wedges holding open fire doors had not been controlled. This was found on multiple doors including flat 1 and 3, and the office door.6) The items stored in high risk rooms, had not been controlled and monitored. Cardboard boxes of Personal Protective Equipment (PPE) were found under the stairs in the electrical cupboard.7) The electrical installation condition report had not been planned and organised. It was stated in the FRA that, this had expired in February 2021, and there was no evidence provided to show that, this has been carried out.	Arrangements identified was not suitably addressed, must be effectively planned, organised, controlled, monitored, or reviewed.

<p>Article 11 continued</p>	<p>8) Your daily, weekly, and monthly fire checks (as stated on the FRA 29.12) had not been planned or organised. This includes weekly fire alarm testing, monthly emergency lighting testing, and general fire checks within the premises.</p> <p>9) The emergency plan in relation to resident's ability to implement the emergency plan had not been planned, organised, or reviewed. The FRA and the PEEPs states that, 1 staff member to evacuate all residents at night in case of fire, will not be possible due to resident's care needs, however, there have been no implementation of any changes to this system.</p>	
<p>Article 13</p>	<p>At the time of the audit, you had not provided an appropriate method of fire detection and warning within your premises. It was found that, automatic fire detection had not been installed in the COSHH and boiler room.</p>	<p>Providing an appropriate means of fire detection and giving warning. This can be achieved by, extending the existing system to cover all risk rooms.</p>
<p>Article 14</p>	<p>At the time of the audit, the emergency routes or exits were inadequate. It was found that:</p> <p>1) The protected corridor had an inadequate FIRE RESISTANCE. It was found that:</p> <p>a) The boiler room fire door was warped.</p> <p>b) The laundry room door had no self closer fitted.</p> <p>c) The multiple fire doors were found wedged by doorstoppers or by personal items.</p> <p>2) The 60 minutes FIRE RESISTING construction protecting the corridor had been breached by a plywood panel in the porch that covers the window of the adjoining property.</p>	<p>Ensuring an 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:</p> <p>1) Ensuring that, all doors on and leading onto the protected corridor have 30 minutes FIRE RESISTANCE with self closers. This can be achieved by, implementing the actions from a competent person's fire door survey.</p> <p>2) Ensuring that, the FIRE RESISTING construction is reinstated.</p>
<p>Article 15</p>	<p>At the time of the audit, your procedures to be followed in the event of serious and imminent danger were inadequate. It was found that:</p> <p>1) The emergency plan requires in reviewing to ensure its appropriate to the way the building is designed, staffed, and managed, while taking into account the level of dependency of the residents. The number of staff at night (one) is to be</p>	<p>Ensuring adequate procedures for serious and imminent danger and for danger areas should be established and followed. This can be achieved by:</p> <p>1) Reviewing the emergency plan to take into account all relevant persons that access the premises, and for robust evacuation procedures to be in place, should there be a fire at night.</p>

<p>Article 15 continued</p>	<p>reviewed, to ensure that, staffs are able to carry out the emergency plan during the day and night.</p> <p>2) The emergency plan had not been taken into account, the staff on sites roles and responsibility in case of evacuation, which includes being key holders to open doors at night due to the locking system employed. Resident doors with locking mechanisms, and the front doors being locked with keys are to be reviewed, as it may delay or hinder evacuation in case of fire.</p>	<p>2) Reviewing the emergency plan to take into account all relevant persons that access the premises, and for robust evacuation procedures to be in place, should there be a fire at night.</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. It was found that:</p> <p>1) The self closers on the multiple fire doors were not closing the doors fully into their frames. This was seen on the office door, dining room door and bedroom 5.</p> <p>2) The fire alarm system was not being suitably maintained. There was a fault in the panel, and a call point missing on the first floor with wiring exposed.</p>	<p>Arranging initial and ongoing maintenance to ensure that, the fire safety measures are kept in an efficient state, working order, and good repair. This can be achieved by:</p> <p>1) Repairing or replacing the self closers on the stated fire doors, and ensuring that, all fire doors self close into their frames.</p> <p>2) Ensuring that, the fire alarm system is maintained in an efficient working order.</p>
<p>Article 21</p>	<p>At the time of the audit, your employees had not been provided with an adequate safety training. It was found that:</p> <p>1) Your staff are not familiar with the night time evacuation strategy for residents.</p> <p>2) Staff are not aware, on how to use fire extinguishers.</p>	<p>Providing your staff with an adequate safety training. In particular:</p> <p>1) Focusing on resident evacuation at night. Staff have not conducted a fire drill at the lowest staffing provision. This should be carried out, to act as training for staff and to justify the numbers of staff at night.</p> <p>2) Ensuring practical training with fire extinguishers.</p>
<p>Article 8</p>	<p>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.</p>	<p>Implementing the significant findings of your fire risk assessment, in particular:</p> <p>1) Installation and improvement of fire doors as stated.</p> <p>2) Improvement of fire alarm system.</p> <p>3) Protection of the means of escape.</p> <p>4) Ongoing review of emergency procedures and ensuring sufficient staff available at all times, to successfully execute the emergency plan.</p>

Article 8	<p>At the time of the audit, the FIRE RESISTING separation in your premises was inadequate. It was found that:</p> <p>1) The COSHH and other cupboards on the first floor, did not provide suitable 30 minutes fire separation due to its construction.</p> <p>2) The boiler cupboard in the kitchen features openings, where services pass through the ceiling void into the floor structure above.</p>	<p>Providing suitable FIRE RESISTING separation by:</p> <p>1) Installing properly constructed and sealed partition walls, floors, and ceilings to provide at least 30 minutes FIRE RESISTANCE.</p> <p>2) Installing properly constructed and sealed partition walls, floors, and ceilings to provide at least 30 minutes FIRE RESISTANCE.</p>
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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.