

Freedom of Information request reference number: 6432.1

Date of response: 21/04/2022

Request:

I'm looking to find a copy of an enforcement notice issued on Malfax Investment Limited (Averard Hotel) around 2009-2010.

Response:

Our Fire Safety Regulatory team have confirmed that we do hold a copy of the Enforcement Notice served to Malfax Investments on 27 April 2009. I have attached a copy to this response. Please note, personal data has been removed from the attached documents under [section 40 of the FOIA – Personal Information](#).

There are clear limitations on the times during which enforcement information is shared with the public on our enforcement register. This notice expired on 27 July 2009.

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/>



Private and confidential

London Fire and Emergency Planning
Authority runs the London Fire Brigade

**THE COMPANY SECRETARY
MALFAX INVESTMENTS
30 COLEMAN STREET
LONDON
EC2R 5AL**

Date 27th April 2009

Our Ref FSR/SW/01/013240/CL/CH

ENFORCEMENT NOTICE

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

Name: MALFAX INVESTMENTS

Address: MALFAX INVESTMENTS,30 COLEMAN STREET LONDON EC2R 5AL

Concerning Premises THE AVERARD HOTEL,10-11 LANCASTER GATE,LONDON W2 3LH
at:

I [REDACTED], Assistant Commissioner (Fire Safety Regulation) on behalf of the London Fire & Emergency Planning Authority (the Authority) hereby give you notice that the Authority 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 Authority, constitute the failure(s) to comply with the Order are specified in the Schedule attached to this Notice.

The relevant extracts of the legislation are attached.

The Authority is further of the opinion that the steps identified in the Schedule to this notice must be taken to remedy the specified failure(s) to comply with the Regulatory Reform (Fire Safety) Order 2005.

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

There may be suitable alternative safety measures, to those detailed in this notice that would meet the requirements of the regulations. 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 Authority.

The steps must be taken by **27th July 2009** (or such extension if granted by the Authority).

If you fail to comply with the requirements of this Notice, you may have committed an offence. The Authority 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 is 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 Fire Safety 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 the person named below. .

Signed: _____

Dated: _____

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 Authority under the Petroleum (Consolidation) Act 1928, 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 1991 or an Approved Inspector under the Building (Approved Inspectors etc) Regulations, 1995. Regard must also be taken, where applicable, of the provisions of the London Building Acts (Amendment) Act 1939 as amended.

Encl: FS03_01a
FS03_01b
FS03_06

Reply to [redacted] or [redacted]
Direct T 020 8555 1200 [redacted]
Direct F 020 8536 5957

Notes:

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

The above Act requires the London Fire and Emergency Planning Authority 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 Fire Authority 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

Schedule referred to in the enforcement notice reference **FSR/SW/01/013240/CL/CH** under the Regulatory Reform (Fire Safety) Order 2005, issued by the London Fire and Emergency Planning Authority on **27th April 2009**

Certain terms written in BLOCK CAPITALS in this Schedule are standard terms defined in "**Definitions of standard terms used in means of escape requirements**" which form part of this Schedule. Where appropriate, a plan may form part of this Schedule to illustrate the steps which, in the opinion of the fire authority, need to be taken in order to comply with the Order.

NOTE : Notwithstanding any consultation undertaken by the fire authority, **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.

| Article | Location and detail of matters which are considered to be failures to comply with the Order | Steps considered necessary to remedy the failures |
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| FSO Article 9(1) | The fire risk assessment is not suitable and sufficient. During audit it was found that fire hazards associated with filming on the premises have not been considered. | The fire risk assessment should be reviewed, with specific consideration given to identification of fire hazards associated with filming. |
| FSO Article 13(1) | Inadequate means of detecting and giving warning in case of fire has been provided. Existing arrangements would not provide warning to relevant persons in all guest rooms or detect a fire in guest bedrooms, before the fire materially affected the means of escape from the premises. | Provide a suitable means of detection and warning in case of fire that will allow a fire to be detected in its early stages and persons on the premises warned so they can safely evacuate the premises. The installation of interconnected smoke detectors/alarms installed in accordance with the current BS 7671 conforming to the principles of a L2 system as detailed in the current BS 5839 Part 1 or an equivalent system would be appropriate. |
| FSO Article 14 (2)(b) | In the event of danger persons would be unable to evacuate as quickly and as safely as possible due to inadequate protection to emergency route from fire. This is because the external fire escape does not lead directly to a place of safety. The route is complex and re-enters the premises via a window. The route needs 30 minute fire protection to the external | Provide fire resisting glass to windows along the external escape route Re configure the escape stair to lead directly to a place of safety via a suitable doorway |

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| | glazing to prevent fire or significant amounts of smoke spreading onto the stairway before people can use it to escape. | |
| FSO Article 14(2)(b) | In the event of danger persons would be unable to evacuate as quickly and as safely as possible due to inadequate protection to emergency route from fire. This is because the two internal stairway emergency routes are not adequately protected from fire and smoke. This would allow fire to spread into the escape route and/or the route to fill with smoke before people can use it to escape. | Provide suitable and sufficient protection from fire to the stairways used for means of escape by enclosing the staircase with 30 minute fire resistant material (including doors accessing the stairway) and provide all doors onto the staircase with intumescent strips and cold smoke seals. |
| FSO Article 11(1) | The arrangements for effective planning, organisation, control, monitoring and review of the maintenance of equipment and devices provided in respect of the premises are inadequate. Fire detector heads and warning devices (bells, klaxons, sirens), which form an integral part of the fire detection and warning system, are being rendered inoperative This is not being monitored or adequately controlled. | Review arrangements for monitoring and controlling the fire detection and warning system. The arrangements must ensure that all detector heads and warning devices (bells, klaxons, sirens) are maintained in an efficient state and are in good working order. Arrangements are to be recorded in accordance with Article 11(2) and subject to ongoing monitoring and review in accordance with Article 11(1). |
| FSO Article 14 (2)(b) | In the event of danger persons would be unable to evacuate as quickly and as safely as possible due to inadequate protection to emergency route from fire. This is because fire doors located at Central staircase at 4 th and 5 th floor Rooms 306 and 507 Lobby to rooms 212 and 213 Escape stair at 1 st floor | Fire doors must close effectively to resist the passage of smoke and heat. Positive action self-closing devices which comply with BS EN standards or an equivalent must be fitted to Central staircase at 4 th and 5 th floor Rooms 306 and 507 Lobby to rooms 212 and 213 Escape stair at 1 st floor |

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| | are not self closing. If any of the doors remain open it will allow fire to spread into the escape route and/or the route to fill with smoke before people can use the route to escape. | |
| FSO Article 14 (2)(b) | In the event of danger persons would be unable to evacuate as quickly and as safely as possible due to inadequate protection to emergency route from fire. This is because <i>fire doors to all bedrooms & risk rooms are not of an adequate standard this would allow fire to spread into the escape route and/or the route to fill with smoke before people can use it to escape.</i> | Provide suitable FIRE RESISTING door sets to the current BS 476 Part 22, or an equivalent standard, to the bedrooms & risk rooms. The door sets must be installed by a competent person who has sufficient training and experience or knowledge and other qualities to enable him or her to properly install them. |
| FSO Article 8 | General fire precautions to, so far as is reasonably practicable, ensure the safety of relevant persons have not been implemented. | Implement the general fire precautions identified as necessary by the fire risk assessment for the premises taking into account the requirements explained elsewhere in this schedule. |
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