

Freedom of Information request reference number: 6563.1

Date of response: 31/05/2022

Request:

To provide a copy of the Enforcement Notice extension served on Newham Hospital on 11 March 2022.

Response:

Our Fire Safety Regulatory team have confirmed that we do hold a copies of the Enforcement Notice served to Newham Hospital on 9 September 2020 and the extension issued on 11 March 2022. I have attached copies of both these documents to the response below. Please note, personal data has been removed from the attached documents under [section 40 of the FOIA – Personal Information](#).

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

Minicom 020 7960 3629

london-fire.gov.uk

Fire Safety Regulation, North East 2 Team
169 Union Street London SE1 0LL
T 020 8555 1200 x [REDACTED]

The Chief Executive

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

Barts Health NHS Trust
The Royal Hospital
Whitechapel Road
London
E1 1BB

Date 11 March 2022
Our Ref 17/002520/PG

**EXTENSION OF TIME IN RESPECT
OF ENFORCEMENT NOTICE**
requiring steps to be taken under Article 30 of the Regulatory Reform (Fire Safety) Order
2005

Premises: Newham University Hospital, Glen Road, Plaistow, London, E13 8SL

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 refer to the Commissioner's enforcement notice dated **9 September 2020** when you were given notice of steps to be taken by **9 March 2022**.

You have since contacted the Commissioner to advise that you will be unable to complete the work within time allowed.

The time limit in which to deal with these outstanding matters has been extended to **29 November 2024**.

If at the end of the time limit the matters have not been rectified, further extensions of time will not be granted, except in exceptional circumstances, and consideration may be given to the initiation of legal proceedings.

Any queries regarding this letter should be addressed to the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

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 **[Redacted]**

Cc: **[Redacted]**

The Chief Executive
Barts Health NHS Trust
The Royal Hospital
Whitechapel Road
London
E1 1BB

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

Date 9th September 2020
Our Ref 17/002520/HE

ENFORCEMENT NOTICE

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

TO :

Name: **Barts Health NHS Trust**

Address: **The Royal Hospital, Whitechapel Road, London, E1 1BB**

Concerning Premises at: **Newham University Hospital, Glen Road, Plaistow, London, E13 8SL**

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 Paul Jennings, 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 **9th March 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.

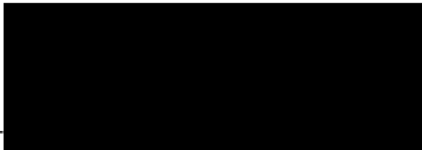
If you fail to comply with the requirements of this notice, you may have committed an offence. The Commissioner may consider a prosecution against you. If you are found guilty, you will be liable to a fine or imprisonment (or both).

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 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 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 

Signed:



Assistant Commissioner
(The Officer appointed for the purpose)

Dated: 9th September 2020

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 [REDACTED]
FSR-AdminSupport@london-fire.gov.uk

Encl: FS03_01a
FS03_01b
FS03_06

Cc. Chief Executive Officer [REDACTED], Ground Floor, Pathology and Pharmacy Building, The Royal London Hospital, 80 Newark Street, London, E1 2ES

healthcare@london-fire.gov.uk

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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: Newham University Hospital, Glen Road, Plaistow, London, E13 8SL

FILE NUMBER: 17/002520

This schedule should be read in conjunction with the Commissioner's Notice dated **9th September 2020**.

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) Maintenance and testing of the fire alarm system had not been planned and organised.2) Maintenance of the smoke extraction system had not been planned and organised.3) Maintenance of the fire dampers had not been planned and organised.4) Maintenance and testing of the emergency lighting system had not been planned and organised.5) Maintenance and testing of the fire doors had not been planned and organised.6) The fire safety training to employees had not been monitored or reviewed.	<p>Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.</p>

Article 13	<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:</p> <p>1) Due to the lack of coverage, the current detection and warning system did not detect fire sufficiently and as an impact of that does not give sufficient warning to relevant persons.</p> <p>2) The fire alarm did not automatically actuate the smoke ventilation system.</p>	<p>Provide an appropriate means of fire detection and giving warning. This can be achieved by:</p> <p>1) Upgrading or replacing the existing fire alarm system to conform with BS 5839-1 L1 or, if justified through fire risk assessment BS 5839-1 L2.</p> <p>2) Ensuring the fire alarm is linked to the smoke ventilation system to automatically turn it on when the fire alarm actuates.</p>
Article 13	<p>At the time of the audit you had not made the necessary arrangements with external emergency services. It was found:</p> <p>1) That the zoning description for the fire alarm will cause unnecessary difficulties for firefighters. This is due to there being fire zones, clinical zones and/or department names.</p> <p>2) Firefighting information in the fire control centre/site management office was insufficient as the information for ward specific risks was not readily available.</p>	<p>Arrange necessary contact with the appropriate external emergency services by:</p> <p>1) Reconfiguring the zoning descriptions for the fire alarm.</p> <p>2) Providing information of ward specific risks in the fire control centre/site management office.</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 level of compartmentation/sub compartmentation within hospital wards was insufficient and would seriously impact the means of escape for relevant persons.</p> <p>2) The level of compartmentation between wards and the hospital street was insufficient and would seriously impact the means of escape for relevant persons.</p> <p>3) The ventilation system currently in place to protect the means of escape by providing a tenable smoke layer above head height (as 2m cannot be achieved without it) is inadequate. It has not been extended when new wards that have been constructed. Further more, its functionality is limited with the current detection, as it would fail to activate in all areas.</p> <p>4) The 30 minute FIRE RESISTING construction protecting the corridor had been breached by holes around cabling in some areas of the hospital street.</p> <p>5) The emergency lighting within the premises was insufficient and would impact the means of escape for relevant persons.</p> <p>6) Fire doors within wards were purely installed to prevent the spread of fire, not installed to prevent the spread of smoke. This would allow smoke to spread within wards.</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:</p> <p>1a) Having a competent person carry out a survey of the compartmentation within the premises.</p> <p>1b) Installing the required compartmentation (as stated in the survey by a competent person).</p> <p>2a) Having a competent person carry out a survey of the compartmentation within the premises.</p> <p>2b) Installing the required compartmentation (as stated in the survey by a competent person).</p> <p>3) Reviewing arrangements to ensure that adequate smoke ventilation is available to allow use of the exit route in the event of a fire.</p> <p>4) Ensuring the FIRE RESISTING construction is reinstated.</p> <p>5) Reviewing existing emergency lighting and extending where required to allow use of the exit route in the event of a fire.</p> <p>6) Reviewing all fire doors and repair or replace accordingly on a risk based programme or justify through fire risk assessment not replacing doors.</p>
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Article 15	<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 the progressive horizontal evacuation strategy is not achievable due to:</p> <ol style="list-style-type: none"> 1) The limited detection and warning system not giving early warning to staff to initiate the progressive horizontal evacuation. 2) The lack of compartmentation within wards and between wards. 3) The construction materials used for the roof (Stramit Board). 	<p>Adequate procedures for serious and imminent danger and for danger areas should be established and followed. This can be achieved by implementing an interim emergency evacuation plan to address failings that will be subject to fire risk assessment review as and when deficiencies outlined in this notice have been addressed.</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:</p> <ol style="list-style-type: none"> 1) The fire detection and warning system was not in an efficient state, in efficient working order and good repair. 2) The smoke extraction system was not in an efficient state, in efficient working order and good repair. 3) The fire dampers were not in an efficient state, in efficient working order and good repair. 4) The emergency lighting was not in an efficient state, in efficient working order and good repair. 5) The fire doors within wards were not in an efficient state, in efficient working order and good repair. 	<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:</p> <ol style="list-style-type: none"> 1) Carrying out remedial work that must be assessed and completed by a competent person who is practised in application of the relevant standards for the fire detection and warning system. 2) Carrying out remedial work that must be assessed and completed by a competent person who is practised in application of the relevant standards for the smoke extraction system. 3) Carrying out remedial work that must be assessed and completed by a competent person who is practised in application of the relevant standards for the fire dampers. 4) Carrying out remedial work that must be assessed and completed by a competent person who is practised in application of the relevant standards for the emergency lighting. 5) Carrying out remedial work that must be assessed and completed by a competent person who is practised in application of the relevant standards for the fire doors.

Article 38	At the time of the audit a suitable system of maintenance of the firefighting measures was not in place. It was found that the fire hydrants were not in an efficient state, in efficient working order and good repair.	Arrange initial and ongoing maintenance to ensure firefighting measures are kept in an efficient state, working order and good repair. This can be achieved by carrying out remedial work that must be completed by a competent person who is practised in application of the relevant standards for the fire hydrants.
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 the ductwork in the riser cupboards from above does not have any form of fire protection where it penetrates the roof void in some areas.	Take the general fire precautions required to prevent fire and smoke spread by addressing these failings and providing solutions to the lack of FIRE RESISTING to ductwork.
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 a number of the significant findings noted on the fire risk assessment have not been addressed.	Implement the significant findings of your fire risk assessment, in particular: <ol style="list-style-type: none"> 1) The fire detection and warning system. 2) The compartmentation issues. 3) The issues in relation to the Stramit Board roof. 4) The issues in relation to the ventilation. 5) The issues in relation to the fire dampers. 6) The issues in relation emergency lighting deficiencies.
Article 8	At the time of the audit the FIRE RESISTING separation in your premises was inadequate. It was found that: <ol style="list-style-type: none"> 1) A fire in a ward that has Stramit Board roofing in is likely to allow fire smoke and heat to spread into the roof void and across the roof space. 2) The roof void has inadequate FIRE RESISTANCE as the Rockwell installed between compartments has large gaps and has deteriorated with age. This would allow the fire, heat and smoke to spread across the roof space. 	Provide suitable FIRE RESISTING separation by: <ol style="list-style-type: none"> 1) Providing solutions to the potential fire spread from wards into the roof space and remedying them. 2) Providing solutions to the potential fire spread within the roof space and remedying them.

*****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.