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Freedom of Information request reference number: 6302.1

Date of response: 15 February 2022

Request:

Wyndham House, 24 Bryanston Square, London, W1H 2DS

Please can you tell me the procedures for obtaining a copy of the file Notice of Deficiencies for the above property (file reference 01/251108 refers) in accordance with the freedom of information act.

Response:

With regard to Wyndham House, 24 Bryanston Square, London, W1H 2DS, the Fire Safety Audit Report was completed on 30.04.2021 and the outcome 'Non-compliant'. The Notification of Fire Safety Deficiencies (NOD) was issued on 30.04.2021; this document is attached to this response and personal data has been removed under section 40 of the FOIA – Personal Information.

As the audit resulted in a notice being issued by the LFB, the audit form itself is exempt from release under the FOIA provisions under <u>Section 31 of the FOIA</u> ("law enforcement"- Section 31(1)(g) combined with 31(2) (a) and 31(2) (c)).

When the LFB identifies any safety concerns, we make this information available to the public by supplying copies of the informal notification of fire safety deficiencies (NOD), and through the public register, any formal enforcement action. 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. Investigators should be able to take full contemporaneous notes (that are recorded on the audit forms) 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.

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 so 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 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 <u>on our website</u>.



Minicom 020 7960 3629 london-fire.gov.uk

The Company Secretary Slogantree Limited 9 Windsor Court Golders Green Road London NW11 9PP The London Fire Commissioner is the fire and rescue authority for London

Date 30 April 2021 Our Ref 01/251108/LB

Dear Sir/Madam

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

Premises: Wyndham House, 24 Bryanston Square, London W1H 2DS

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 **15 October 2021**.

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 occurs 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

Direct **T** 020 8555 1200

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 - <u>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.</u>

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: Wyndham House, 24 Bryanston Square, London W1H 2DS

FILE NUMBER: 01/251108

This schedule should be read in conjunction with the Commissioner's letter dated 30 April 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	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 actions of the managing agent have been lacking since the completion of the fire risk assessment in January 2020. Changes have been made to the staffing at Fifield Glyn and James Earnshaw has now taken the role of property manager. No maintenance of the fire alarm system has been planned or organised. The fire safety training to employees had not been monitored or reviewed. The emergency plan in the premises is to stay put but there is an active fire warning and detection system installed that may encourage evacuation and compromise the 'Stay Put' policy.	Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.
Article 14	At the time of the audit the emergency routes or exits were inadequate. It was found that:	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:
	1) The basement fire exit route should not be double locked and have a simple door fastening.	1) Making adequate arrangements for the basement fire escape route not be double locked and for the final exit door to have a simple door fastening with emergency overrides/failsafe where required
	Next to all flat front doors, there appears to be an area of partitioning which does not	2) Survey required for the partitioning next to the flat front doors to ascertain the level of FIRE RESISTANCE provided and update if not meeting the minimum 30

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Article 14 continued.	provide the minimum 30 minutes FIRE RESISTANCE.	minutes.
	3) In the entrance lobby, there is wooden panelling on the walls and it is uncertain if this product provides any FIRE RESISTANCE.	3) Survey required for the wooden panelling at the entrance lobby to ascertain the level of FIRE RESISTANCE. Replace with adequate FIRE RESISTANT materials or spray FIRE RESISTANT product if staying in situ.
	4) In the means of escape there are lots of items such as furniture, plants and a mattress in the basement.	4) Make sure the means of escape are clear and obstruction free at all times.
Article 17	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 the servicing for the fire alarm was overdue as the concierge has reported the faults on the system last year and no work has been done to fix the problems. No servicing provided for the emergency lighting although the fitting appeared to be working at the time of the inspection. Fire extinguishers had not been tested and filled or replaced as necessary. Several water extinguishers were found to be passed their last maintenance date displayed.	Arrange initial and on going maintenance to ensure fire safety measures are kept in an efficient state, working order and good r6epair. This can be achieved by servicing the fire alarm system and rectifying the faults with the wireless system in place. Have the fire extinguishers maintained within their maintenance date.
Article 17	The corridors, lobbies and stairs used for access to and from flats in the premises (the access route(s)) are intended for use by relevant persons as a PROTECTED ROUTE. This route should provide a safe means of escape in event of fire and must be maintained in an efficient state, in efficient working order and good repair. During the audit it was found that the responsible person for management of the access route has not prevented or addressed deficiencies in the FIRE RESISTANCE of the PROTECTED ROUTE and/or required rectification of defects that have arisen in, and/or	Ensure the access corridor is returned to its intended state as a PROTECTED ROUTE to afford protection from fire in a flat to relevant persons who may require use of that corridor for safe escape from the premises in case of fire. Remedial work that may be necessary for this purpose, must be assessed and completed by a competent person who is practised in application of the relevant standards for means of escape. Your attention is drawn to the provisions of subsections (2) (3) and (4) of Article 17 of the Regulatory Reform (Fire Safety) Order 2005 in the attached extracts of legislation. You are advised that walls in PROTECTED ROUTES should have a minimum of 60 minutes FIRE RESISTANCE. Openings in the walls leading to accommodation off a PROTECTED ROUTE (including doors in entrance ways, service openings, borrowed light glazing, holes around cables trunking and pipework) should be of a minimum 30 minutes FIRE RESISTANCE. Available means the responsible person could use to comply with Article 17 (1) may include

Article 17 continued.	alterations made to, the protection to the access route. At the time of the inspection, sampling of one of the flat front doors was done and it did not appear to have a working self closer, strips or seals. The PROTECTED ROUTE has been compromised by the fitting of doors that do not provide 30 minutes fire protection to the access route.	enforcing terms of lease and landlord and tenant / property legislation as lessor/owner.
Article 21	At the time of the audit your employees had not been provided with adequate safety training. It was found that the concierge was not provided with any appropriate training on fire safety and fire safety within the building.	Provide your staff with adequate safety training and refreshers at regular intervals.
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 all significant findings of the fire risk assessment in January 2020 had not be rectified.	Implement the significant findings of your fire risk assessment completed in January 2020, in particular surveying the wooden panelling to ascertain the level of FIRE RESISTANCE in the entrance lobby.
Article 9	At the time of the audit the fire risk assessment for your premises has not been subject to a suitable system of review. It was found that the fire risk assessment completed on 9 January 2020 by 4site Consulting Ltd has not been reviewed or any further FIRE RISK ASSESSMENT completed for the premises.	The fire risk assessment should be reviewed.

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.