



LONDON FIRE BRIGADE

London Fire Brigade Headquarters  
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**Freedom of Information request reference number:** 7060.1

**Date of response:** 04 January 2022

**Request:**

No 1 West India Quay, 26 Hertsmere Road, London E14 4EF.

Visit/inspection took place around mid to late March 2022. We need to see the original written report on the building from March 2022 and any subsequent correspondence between LFB and either the landlord or the managing agent.

**Response:**

The LFB Fire Safety Regulatory team conducted a fire safety audit at this address in December 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 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 on 21 February 2022.

I have attached a copy of the NOD letter sent in February 2022 to this response. Personal data has been removed from the attached documents 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).

On the 24 March 2022, the LFB Fire Safety Regulatory team carried out a joint working follow up visit (not a formal audit) to discuss fire safety issues with the Responsible Person (RP) of flats above the Marriott.

There are no reports produced for joint working visits.

We do hold a copy of one email sent from the LFB Fire Safety Inspecting Officer to Rendall and Rittner following this visit (dated 25 March 2022).

This email is exempt from release under the FOIA provisions under [Section 31 of the FOIA - law enforcement](#) (Section 31(1)(g) combined with 31(2) (a) and 31(2) (c)).

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 documents provided to us by the responsible person for the building) and other fire safety information held by the Brigade are also exempt from access via the FOIA provisions.

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](#).



LONDON FIRE BRIGADE

Fire Safety Regulation, North East 3 Team  
169 Union Street London SE1 0LL  
T 020 8555 1200

Minicom 020 7960 3629  
london-fire.gov.uk

The Company Secretary  
Rendall and Rittner Limited  
Portsocken House  
155 - 157 Minorities  
London  
EC3N 1LJ

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

Date 21 February 2022  
Our Ref 05/013831/LB

Dear Sir/Madam

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

**Premises: 26 Hertsmere Road, London E14 4EG**

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 **16 May 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

Reply to Fire Safety Advisor [REDACTED]

Direct T 020 8555 1200 ext [REDACTED]

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

CC: [REDACTED]@rendallandrittner.co.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

**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: 1 West India Quay 22-26 Hertsmere Road, London E14 4ED**

**FILE NUMBER: 05/013831**

This schedule should be read in conjunction with the Commissioner's letter dated **21 February 2022**.

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.</p> <p>It was found that:</p> <ol style="list-style-type: none"><li>1) The fire doors within the shared areas had not been monitored, as they were cut down to size, which compromises the integrity of the fire doors.</li><li>2) The storage of combustibles within the bin room had not been monitored, as there was a weights bench within the bin room, and the door had been wedged open to accommodate for this.</li><li>3) Management had not monitored the bins stored on the means of escape on the 13th floor within a hatched area in a corridor between the duplex flats and lift lobby.</li><li>4) The faults that were reported had not been controlled or monitored, as the staff members stated that they had reported faults with the fire alarm and a mechanical vent and these had not been repaired.</li><li>5) The correct signage for the evacuation policy had not been organised, as it stated that London Fire</li></ol>	<p>Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.</p>

<p>Article 11 continued.</p>	<p>Brigade advised residents to stay put. London Fire Brigade do not advise with evacuation policies.</p> <p>6) Management had not organised the repair of the vent at the head of the stair.</p> <p>7) Management were not controlling the use of wedges to hold open the fire doors within the building. Fire doors should not be wedged open.</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 there were faults on the fire alarm panel. A staff member informed us that this was a wiring fault that had been reported.</p>	<p>Provide an appropriate means of fire detection and giving warning in the common parts of the premises. This can be achieved by instructing a competent person to rectify the faults on the alarm panel.</p>
<p>Article 14</p>	<p>At the time of the audit the emergency routes or exits were inadequate.</p> <p>It was found that:</p> <p>1) On the 16th floor within the inspection hatches, there were holes within the horizontal compartmentation.</p> <p>2) There was a large compartmentation breach in the basement leading to a void.</p> <p>3) There were bins on the 13th floor within the means of escape corridor which led from a duplex flat.</p> <p>4) On the ground floor, the door leading to the basement had excessive gaps, and the second door was wedged open.</p> <p>5) The fire doors used within the shared areas appear to be cut down to size to the plant rooms, compromising the integrity of the fire doors.</p> <p>6) The door to the pressurised staircase</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.</p> <p>This can be achieved by:</p> <p>1-2) Instructing a competent person to conduct a full compartmentation survey and carry out the remedial works necessary.</p> <p>3) Removing the bins from the escape route on the 13th floor.</p> <p>4-6) Instructing a competent person to conduct a review of the fire doors, and ensuring that all remedial works are carried out.</p>



	<p>on the 13th floor had cold smoke seals on it, which, as this is a pressurised stair, the fresh air would not vent as the door would not be able to be opened.</p>	
<p>Article 17</p> <p>Article 17 continued.</p>	<p>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 ventilation of the PROTECTED ROUTE and/or required rectification of defects that have arisen in, and/or alterations made to the ventilation of the access route. The door to the pressurised staircase had cold smoke seals on it, therefore in a fire situation, the fresh air would not vent as the door would not be able to be opened.</p>	<p>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. The following is provided as advice and does not form any part of the notice: 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. Available means the responsible person could use to comply with Article 17 (1) may include enforcing terms of lease and landlord and tenant/property legislation as lessor/owner.</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.</p> <p>It was found that:</p> <p>1) The vent at the head of the stair was not fully shutting and rainwater was found to be leaking from it. On the ground floor, the door leading to the basement had excessive gaps.</p> <p>2) There was a failure to maintain the pressurised system by allowing cold smoke seals to be fitted to the doors to the pressurised stair, which would prevent the door from allowing fresh air to vent in.</p>	<p>Arrange initial and on going maintenance to ensure fire safety measures are kept in an efficient state, working order and good repair.</p> <p>This can be achieved by:</p> <p>1) Ensuring that a competent person is instructed to fix the broken vent.</p> <p>2) Instructing a competent person to conduct a review into the fire doors and carrying out all remedial works required.</p>
<p>Article 21</p>	<p>At the time of the audit your employees had not been provided with adequate safety training. It was found that the staff had not been trained in fire safety</p>	<p>Provide your staff with adequate safety training. In particular conduct fire safety training for your staff at this premises and review periodically.</p>

	measures since 2017.	
Article 22	At the time of the audit you had not cooperated and coordinated with other responsible persons. It was found that you have not informed other occupants and responsible persons of risks associated with your business, no fire risk assessments have been shared with the relevant party.	You must take all reasonable steps to cooperate and coordinate with other responsible persons. In particular communicate with the Marriott Hotel.
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 there were compartmentation issues in the riser cupboards on the 20th floor, as half of the cupboard had been fire stopped and the other half had not.	Take the general fire precautions required to prevent fire and smoke spread by instructing a competent person to conduct a compartmentation survey into the riser cupboards.
Article 9	At the time of the audit no evidence was demonstrated or provided that the significant findings of your fire risk assessment had been recorded.	Record the significant findings of the fire risk assessment. In particular the recorded information should include details of:  1) The issues with the cold smoke seals fitted to the staircase door to the pressurised stair on the 13th floor. As this is a pressurised stair, there should not be cold smoke seals fitted as it will be pulled shut in the event of the mechanical ventilation actuating and fresh air would not be able to vent into the escape route.  2) The plastic packers in the door sealant to the electrical riser cupboard. If there is a fire, the packers will melt and create a gap within the sealant of this fire door.

**\*\*\*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.