

**Freedom of Information request reference number:** 7288.1

**Date of response:** 03/04/2023

**Request:**

I understand that the London Fire Brigade carried out an inspection of Kings Wharf, 301 Kingsland Road, London E8 4DS on 31 October 2022, and has recently issued a Section 30 Notice of the Regulatory Reform (Fire Safety) Order 2005 to Burlington Estates, the agents managing the freehold property on behalf of KWRTM Ltd. As a Kings Wharf Leaseholder and Member of KWRTM Ltd, I hereby formally request to receive a copy of the Notice and details of the fire safety works now being enforced.

**Response:**

Further to your request, a Fire Safety Audit took place on the 14<sup>th</sup> December 2022. The King's Wharf was issued with an Enforcement Notice. Please see below for a letter from the London Fire Commissioner for your information.

Copies of live Enforcement Notices are publicly available on the LFB website; a copy of which is also included below: [Enforcement Notice](#).

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/>



Fire Safety Regulation, North East 4 Team  
169 Union Street London SE1 0LL  
T 020 8555 1200 [REDACTED]

[REDACTED]  
london-fire.gov.uk

The Chief Executive  
London Borough of Hackney  
Town Hall  
Mare Street  
London  
E8 1EA

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

Date 31 January 2023  
Our Ref 04/010941/MC

Dear Sir/Madam

**REGULATORY REFORM (FIRE SAFETY) ORDER 2005 (AS AMENDED)- Article 42**

**Premises: Kings Wharf, 301 Kingsland Road, Hackney, London, E8 4DS**

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 (as amended) in London.

The Commissioner is required by Article 42 of the Regulatory Reform (Fire Safety) Order 2005 (as amended) to notify licensing or registration authorities about any enforcement action taken in respect of licensed or registered premises. During a recent inspection of the above-mentioned premises, certain matters were found to be below the required standard and the following formal enforcement action has been taken:

Issue of an Enforcement Notice – copy attached

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]

**for Assistant Commissioner (Fire Safety)**  
Directorate of Operations

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



Fire Safety Regulation, North East 4 Team  
169 Union Street London SE1 0E1  
T 020 8555 1200

london.fire.gov.uk

The Company Secretary  
Burlington Estates  
66 Grosvenor Street  
London  
W1K 3JL

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

Date 31 January 2023  
Our Ref 04/010941/MC

## ENFORCEMENT NOTICE

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

TO:

Name: **Burlington Estates**

Address: **66 Grosvenor Street, London, W1K 3JL**

Concerning Premises at: **Kings Wharf, 301 Kingsland Road, Hackney, London, E8 4DS**

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 (as amended), hereafter referenced as ('The Order') in London.

I, [REDACTED], Assistant Commissioner (Fire Safety) 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 (as amended) (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 **20 June 2023** (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 (as amended), 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]

Assistant Commissioner  
(The Officer appointed for the purpose)

**Dated:** 31 January 2023

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.

Encl: FS03\_01a, FS03\_01b, FS03\_06

Reply to Inspecting Officer [REDACTED]  
Direct T 020 8555 1200 [REDACTED]  
[FSR\\_AdminSupport@london.fire.gov.uk](mailto:FSR_AdminSupport@london.fire.gov.uk)

Cc: The Company Secretary, KW RTM Company Ltd  
66 Grosvenor Street, London, W1K 3JL

[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 (as amended), (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:** Kings Wharf, 301 Kingsland Road, Hackney, London, E8 4DS

**FILE NUMBER:** 04/010941

This schedule should be read in conjunction with the Commissioner's Notice dated 31 January 2023.

The condition(s) specified in the Regulatory Reform (Fire Safety) Order 2005 (as amended), 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 emergency plan in relation to residents' (new and existing) ability to implement the emergency plan is not subject to effective monitoring or review. No evidence was provided of review as and when residents or their personal circumstances change.	Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.
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 maintenance of the fire alarm system had not been planned and organised.	Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.
Article 13	At the time of the audit, you had not provided an appropriate method of fire detection and warning within your premises. No evidence was presented that the current automatic fire detection system installed within dwellings and communal areas would support the current simultaneous evacuation protocol.	Provide an appropriate means of fire detection and giving warning in the common parts of the premises. This can be achieved by employing a competent person to install automatic fire detection, in line with the National Fire Chiefs Council (NFCC) guidance on communal alarms that support a temporary simultaneous evacuation protocol.
Article 14	At the time of the audit, the emergency routes or exits were inadequate. It was found that the wooden planking outside flat 413 was found to be lifting, so presenting a trip hazard on this means of escape.	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 obtaining the services of a competent person to repair the lifting planking on the means of escape, where required.

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:</p> <p>1) No evidence was presented that the responsible person has carried out a vulnerable person survey.</p> <p>2) Signage at this block did not support the current evacuation protocol.</p>	<p>Adequate procedures for serious and imminent danger and for danger areas should be established and followed. This can be achieved by:</p> <p>1) Carrying out a vulnerable person survey with the creation of personal emergency evacuation plans (PEEPs) where required.</p> <p>2) Ensuring that signage which conflicts with the current evacuation protocol is removed and replaced with signage that supports the emergency plan.</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 no evidence was presented of regular fire alarm maintenance in line with BS5839 part 1. On the day of inspection, the automatic fire alarm panel was showing multiple faults.</p>	<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 employing the services of a competent person to carry out maintenance, as prescribed in BS5839 part 1.</p>
Article 38	<p>At the time of the audit, a suitable system of maintenance of firefighting measures was not in place. It was found that:</p> <p>1) The drop key mechanism used by London Fire Brigade to gain access to the courtyard and dry risers was defective.</p> <p>2) More than twelve months had elapsed since the last dry riser pressure test.</p>	<p>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:</p> <p>1) Employing the services of a competent person to reinstate the drop key access.</p> <p>2) Employing the services of a competent person to perform the annual dry riser pressure test, in line with BS9990:2015.</p>
Article 8	<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. It was found that management controls to ensure improvements to the automatic fire detection system, as described by your risk assessment, had not been implemented.</p>	<p>Implement the significant findings of your fire risk assessment, in particular actions relating to the detection and subsequent alert of fire within this block.</p>



**\*\*\*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 20/A of that Act.