

Freedom of Information request reference number: 7486.1

Date of response: 02/06/2023

Request:

I would like to request a copy of all communications between London Fire Brigade and FirstPort, in relation to Charlotte House in Sutton. This includes copies of Fire Risk Assessments, Waking Watch reports and safety inspections.

Response:

Please see below for a response to your request. The Fire Audit was completed on the 27 July 2020. The outcome of the Fire Safety report was Low Risk, and the premises was issued a Notification of (fire safety) deficiencies (NOD). A redacted copy is provided below. Personal information has been removed from the report 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/>



Fire Safety Regulation, South East 1 Team
169 Union Street London SE1 0LL
T 020 8555 1200

Minicom 020 7960 9629
london-fire.gov.uk

The Company Secretary
Firstport Limited
Queensway House
11 Queensway
New Milton
Hampshire BH25 5NR

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

Date 17 August 2020
Our Ref 21/227488/PDB

Dear Sir/Madam

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

Premises: Charlotte House, 303 High Street, Sutton SM1 1AJ

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 February 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 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,

for Assistant Commissioner (Fire Safety)

Directorate of Operations
[REDACTED]

Reply to [REDACTED]

Direct T 0208 555 1200 [REDACTED]

Enc: Form FS03_01b Legislation Extracts
Form FS03_06 Definitions of standard terms

Cc: [REDACTED] Senior Property Manager, FirstPort Housing Association, Marlborough House,
Wigmore Place, Wigmore Lane, Luton LU2 9EX

Hampshire Fire and Rescue Services Headquarters, Leigh Road, Eastleigh, Hampshire SO50 9SJ

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 - 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: Charlotte House, 303 High Street, Sutton SM1 1AJ

FILE NUMBER: 21/227438

This schedule should be read in conjunction with the Commissioner's letter dated **17 August 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. |
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| 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> <p>1) The damaged rear gates for the commercial premises at ground level were open at the time of the inspection had not been controlled, monitored or reviewed to prevent anti-social behaviour.</p> <p>2) The anti-social behaviour identified within the bin storeroom (included three homeless people living rough) with evidence of smoking materials and drugs paraphernalia had not been monitored, controlled, planned, organised or reviewed.</p> <p>3) The storage of combustible items at the rear of the commercial premises had not been controlled, monitored or reviewed.</p> <p>4) The excessive combustible items in the form of shoes, refuse bags, prams, discarded wooden furniture and cardboard boxes adjacent to Flats Nos 6, 8, 9, 27, 47 and 50 within the electrical riser cupboard outside Flat No. 9 and the stairwell had not been controlled, monitored or</p> | <p>Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.</p> |

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| <p>Article 11 Cont'd</p> | <p>reviewed.</p> <p>5) The unlocked electrical intake cupboards had not been controlled, monitored or reviewed.</p> <p>6) The excessive amount of combustibles storage within in the bin storeroom had not been monitored, controlled or reviewed.</p> <p>7) The smoking materials on the stairwells between floors 5 and 6 had not been monitored controlled or reviewed.</p> <p>8) Inadequate signage to indicate the manual override switch to operate the Automatic Opening Vent on the ground floor by the main entrance had not been planned, organised or reviewed.</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 escape routes are compromised by vents that were not intumescent this would promote fire spread from the corridors into the stairwell placing relevant persons at risk in the event of a fire.</p> <p>2) The 30 minutes FIRE RESISTANCE around the lobby door between the bins storeroom and ground floor lift is inadequate, due to pink expanding foam around the frame and a greater than 3mm gap which would promote rapid fire spread in the event of a fire.</p> <p>3) The emergency routes are compromised by unlocked electrical intake cupboards that would promote rapid fire spread in the event of a fire.</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>1) Ensuring all escape routes are provided with 30 minutes FIRE RESISTANCE (including the vents from the corridors to the stairwells)</p> <p>2) Repairing the lobby door frame with 30 minutes FIRE RESISTANCE by a competent person.</p> <p>3) Adjusting the fire door to reduce the gap to an acceptable level.</p> |

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| <p>Article 14 Cont'd</p> | <p>4) The escape routes are compromised by riser cupboard doors were missing cold smoke seals that would promote rapid fire spread in the event of a fire.</p> <p>6) The escape routes/exits are compromised by storage adjacent to Flat Nos 50, 47, 27, 9, 8 and 6, and within the electrical riser cupboard outside Flat No. 9 and the stairwell that would prevent egress as quick and safely as possible in these areas (i.e. shoes, rubbish bags, prams, discarded wooden furniture and cardboard boxes)</p> <p>7) The escape routes are compromised by a breaches around horizontal pipework between electrical cupboards on multiple floors in filled with pink expanding foam or missing fire stopping this would allow rapid fire spread in the event of a fire.</p> <p>8) The escape route is compromised by the lobby door to the 5th floor stairwell that did not fully self-close into its frame with the overhead self-closing device would promote rapid fire spread in the event of a fire.</p> | <p>4) Ensuring all electrical intake cupboards are kept locked shut when not in use and replacing intumescent strips and cold smoke seals to the riser cupboard doors that are missing.</p> <p>6) Removing all combustibles in the escape routes keeping them sterile at all times.</p> <p>7) Ensuring all breaches around horizontal pipework are appropriately fire stopped (pink expanding foam is not appropriate)</p> <p>8) Replacing/adjusting the self closing device on the lobby door to the 5th floor stairwell to closes fully into the frame installed by a competent person in accordance with BS 476:22.</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. It was found that:</p> <p>1) The damaged gate to the rear service corridor left unlocked was not in good working order or state of repair.</p> <p>2) The frame around the lobby door between the bin storeroom and the ground floor lift lobby was damaged and pink expanding foam exposed behind the frame is inadequate.</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:</p> <p>1) Repairing the damage gate to the rear of the premises in order to prevent anti-social behaviour.</p> <p>2) Reinstating the FIRE RESISTANCE to the door frame by a competent person.</p> |

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| Article 17 Cont'd | <p>3) The door between the bin storeroom and the ground floor lift lobby had an excessive gap greater than 3mm is unsuitable.</p> <p>4) The riser cupboard doors on the ground floor was missing a lock face plate is inadequate.</p> | <p>3) Adjusting the lobby door in order to reduce the gap to an acceptable level.</p> <p>4) Replacing the face plate on the lock, in order to reinstate the FIRE RESISTANCE to the door.</p> |
| Article 8 | <p>At the time of the audit the FIRE RESISTING separation in your premises was inadequate. It was found :</p> <p>1) Evidence of multiple breaches of compartmentation within the riser cupboards that had not been fire stopped vertically around pipework this would promote rapid fire spread in the event of a fire.</p> <p>2) No intumescent collars were provided around the vertical pipework in the bin store area would promote rapid fire spread in the event of a fire.</p> | <p>Provide suitable FIRE RESISTING separation by:</p> <p>1) Undertaking works to ensure that all fire stopping in the riser cupboards is completed, using appropriate FIRE RESISTANCE materials.</p> <p>2) Installing intumescent collars around pipes in bin store areas to reinstate the correct level of FIRE RESISTANCE.</p> |
| Article 9 | <p>At the time of the audit the fire risk assessment for your premises was not suitable and sufficient. It was found that following matters had not been identified:</p> <p>1) The escape routes are compromised by breaches around horizontal pipework between electrical intake cupboards on multiple floors in filled with pink foam or missing fire stopping.</p> <p>2) The escape routes are compromised by vents that were not intumescent.</p> <p>3) The damaged gate to the rear of the premises was left unlocked this promoted anti-social behaviour e.g. smoking/unauthorised sleeping risk.</p> | <p>The fire risk assessment should be reviewed, with specific consideration given to:</p> <p>1) Ensuring all breaches around horizontal pipework between electrical intake cupboards on multiple floors are appropriately fire stopped.</p> <p>2) Ensuring all escape routes are provided with 30 minutes FIRE RESISTANCE (i.e. the vents from the corridors to the stairwells)</p> <p>3) Repairing the damaged gate to the rear of the premises in order to prevent anti-social behaviour.</p> |

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| Article 9 Cont'd | <p>4) The frame around the lobby door between the bin storeroom and the ground floor lift lobby was damaged and the pink expanding foam installed behind the frame is inadequate.</p> <p>5) The door between the bin storeroom and the ground floor lift lobby had an excessive gap greater than 3mm.</p> <p>6) The FIRE RESISTANCE to the riser cupboard doors on the ground floor was compromised by a missing lock face plate.</p> | <p>4) Reinstating the FIRE RESISTANCE to the door frame between the bin storeroom and ground floor lift lobby using a competent person.</p> <p>5) Adjusting the lobby door in order to reduce the gap to an acceptable level.</p> <p>6) Replacing the face plate on the lock to the riser cupboard doors on the ground floor in order to reinstate the FIRE RESISTANCE.</p> |
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*****RECOMMENDATIONS NOT FORMING REQUIREMENTS OF THE SCHEDULE*****

The Commissioner would strongly urge that you consider the presence of combustible facade 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.