

Freedom of Information request reference number: 7730.1

Date of response: 22/08/2023

Request:

I would like to request any fire report or incident that is in connection to 88 Walworth Road SE16SW. I need to know if the premises had the correct and valid fire risk assessments done and how often, if the systems complied with the laws of when they were inspected starting 29/04/2023 to as early as last Sunday when Fire Brigade attended the premises.

Response:

Further to your request, a Fire Safety Audit report was completed on the 21st February 2023. The outcome of the report was High Risk; therefore, an Enforcement Notice was issued on the 10th May 2023. Please see below for a copy of the Enforcement Notice. Personal data has been redacted in accordance with [section 40 of the FOIA – Personal Information](#).

Where a Fire Safety Audit results in a notice being issued by the LFB, the reports themselves are 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)).

When the LFB identifies any safety concerns, we make this information available to the public by supplying copies of any informal notification of fire safety deficiencies (NOD) issued, and through access to [the public register](#) of 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 and investigators are 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.

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/>

The Company Secretary
Guru Nanaks Properties Limited
60a Clevedon Gardens
Hounslow
TW5 9TS

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

Date: 10 May 2023
Our Ref: 91/004037/PG

ENFORCEMENT NOTICE

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

TO:

Name: **Guru Nanaks Properties Limited**

Address: **60a Clevedon Gardens, Hounslow, TW5 9TS**

Concerning Premises at: **Flats, 88 Walworth Road, London, SE1 6SW**

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 **6 September 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]

Dated: 10 May 2023

Assistant Commissioner
(The Officer appointed for the purpose)

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 1 020 8555 1200 [REDACTED]

Encl: FS03_01a, FS03_01b, FS03_06

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: Flats, 88 Walworth Road, London, SE1 6SW

FILE NUMBER: 91/004037

This schedule should be read in conjunction with the Commissioner's Notice dated **10 May 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	<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) Planning and organisation to ensure fire doors protecting the means of escape were fully self closing into their frames had not been undertaken. Several such fire doors between the lobbies containing the flat entry doors and the single stair were not fully self closing.</p> <p>2) Planning and organisation to maintain the means of escape free of combustible and/or obstructive items had not been undertaken. For example, on audit, a bicycle was found to be stored on the landing of the 4th floor.</p> <p>3) Planning and organisation to ensure that compartmentation issues were suitably addressed had not been undertaken. For example, on audit, it was noted that there were holes in the plasterboard wall above the lobby door giving access to flats 9, 10 and 11, and there was a hole in the ceiling nearby. It was unclear whether the loft hatch was suitably fire rated.</p>	<p>Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.</p>

Article 14	At the time of the audit the emergency routes or exits were inadequate. It was found that fire doors were not fully self closing into their frames.	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 ensuring fire doors fully self close into their frames at all relevant 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 fire doors protecting the common parts means of escape were not fully self closing and/or fitting into their frames. For example, the fire door into the lobby containing flat entry doors 12-14 had a broken and detached self closing device and so would not self close, and the fire door between the stair and lobby containing flat entry doors was grounded and would not self close.	Arrange initial and ongoing maintenance ensuring fire safety measures are kept in an efficient state, working order and good repair. This can be achieved by implementing a suitable programme of inspection and maintenance of fire doors.
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 alterations made to, the protection to the access route. The PROTECTED ROUTE has been compromised by the fitting of doors that do not provide 30 minutes fire protection to the access route. It was found that flat entry doors on the means of escape were damaged and did not fully self close into their frames. For example, flat entry door 7 did not self close and had been damaged.	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 the 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 enforcing terms of the lease and Landlord and Tenant/Property legislation as lessor/owner.

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 compartmentation between the common entry area of the means of escape on the ground floor and the flats above was compromised by inadequate fire stopping around the cable running from the electrical intake.	Take the general fire precautions required to prevent fire and smoke spread by ensuring vertical compartmentation issues are addressed by a suitable programme undertaken by a competent person.
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) Provision of a suitable fire alarm system to support the simultaneous evacuation strategy. 2) Provision of suitable means of escape to support the simultaneous evacuation strategy.

*****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.