

**Freedom of Information request reference number:** 8099.1

**Date of response:** 06/12/2023

**Request:**

London Borough of Lewisham (LBL) Building Safety Team manage Rosenthal House, Rushey Green, SE6 4AR, a High Rise residential block in scope of the Building Safety Act. This block sits within a larger commercial block, Capital House, 43-47 Rushey Green, London, SE6 4AS.

London Fire Brigade served a prohibition notice and an enforcement notice served on 05/06/14 and 02/02/23 respectively.

If I could have a copy of each

**Response:**

In response to your request above please see below the Prohibition notice issued on 05/06/2014 and the Enforcement notice issued to Capital House on 02/02/2023.

Please note that personal data has been removed from the attached documents 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/>



LONDON FIRE BRIGADE

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

Minicom 020 7960 3629  
london-fire.gov.uk

The Company Secretary  
Hanif Properties London Ltd  
469 Katherine Road  
Forest Gate  
London  
E7 8DR

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

Date 2 February 2023  
Our Ref 90/000314/LB

## ENFORCEMENT NOTICE

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

TO :

Name: **Hanif Properties London Ltd**  
Address: **469 Katherine Road, Forest Gate, London E7 8DR**  
Concerning Premises at: **Capital House, 43-47 Rushey Green, London SE6 4AS**

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 Charlie Pugsley, 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 July 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 **Fire Safety Advisor** [REDACTED].

**Signed:**

[REDACTED]

**Dated:** 2 February 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 Fire Safety Advisor [REDACTED]  
Direct T 020 8555 1200 [REDACTED]  
[FSR-AdminSupport@london-fire.gov.uk](mailto:FSR-AdminSupport@london-fire.gov.uk)

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

CC: [REDACTED], Hanif Properties London Ltd, 469 Katherine Road, Forest Gate, London E7 8DR

[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: Capital House, 43-47 Rushey Green, London SE6 4AS**

**FILE NUMBER: 90/000314**

This schedule should be read in conjunction with the Commissioner's Notice dated **2 February 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:

<b>Article</b>	<b>Area of Concern</b>	<b>Steps Considered necessary to remedy the contravention.</b>
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) A suitable fire alarm system had not been planned or reviewed.</li><li>2) Ensuring all fire alarm covers are removed after routine works had not been monitored or controlled.</li><li>3) No evidence of regular servicing and testing of fire alarm system had not been planned or organised.</li><li>4) No evidence of regular servicing and testing of emergency lighting system had not been planned or organised.</li><li>5) Ensuring all fire doors are suitably maintained had not been monitored or controlled.</li><li>6) Ensuring vision panels are not covered had not been monitored or controlled.</li><li>7) Preventing sleeping had not been suitably controlled.</li><li>8) Maintenance of door release buttons had not been monitored or controlled.</li><li>9) The fire safety training to employees had not been monitored or reviewed.</li></ol>	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. It was found that the fire alarm system was not installed in all units where a fire could go undetected for a significant amount of time.	Provide an appropriate means of fire detection and giving warning. This can be achieved by installing a minimum category L3 system in accordance with BS5839 part 1.
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.</p> <p>It was found that:</p> <p>1) Sampled fire doors were not suitably maintained, were found to be damaged, had excessive gaps and did not close fully into their frame.</p> <p>2) Sampled fire doors had a wooden material added to the door set. No evidence was provided that this was suitably FIRE RESISTING.</p>	<p>Arrange initial and ongoing maintenance to ensure fire safety measures are kept in an efficient state, working order and good repair.</p> <p>This can be achieved by ensuring:</p> <p>1) To ensure that all fire doors are suitably maintained. It is recommended that a full fire door survey is carried out.</p> <p>2) To ensure all fire doors are suitably FIRE RESISTING. It is recommended that a full fire door survey is carried out.</p>
Article 21	At the time of the audit your employees had not been provided with adequate safety training. It was found that no evidence was received that formal training and refresher training was undertaken for all employees.	Provide your staff with adequate safety training. In particular provide regular updated fire safety training to your staff including the emergency evacuation procedure.
Article 8	<p>At the time of the audit the FIRE RESISTING separation in your premises was inadequate.</p> <p>It was found that:</p> <p>1) There was excessive foam identified throughout the premises.</p> <p>2) There was gaps and compartmentation breaches around piping and wiring throughout the premises.</p> <p>3) There was no evidence that the compartments were suitably FIRE RESISTING due to gaps identified in sampled compartments where the wall meets the ceiling.</p>	<p>Provide suitable FIRE RESISTING separation by:</p> <p>1) Ensuring all compartmentation breaches and holes are fire stopped with a suitably FIRE RESISTING material. It is recommended that a full compartmentation survey is carried out.</p> <p>2) Ensuring all compartmentation breaches and holes are fire stopped with a suitably FIRE RESISTING material. It is recommended that a full compartmentation survey is carried out.</p> <p>3) Ensuring that all compartments are suitable FIRE RESISTING.</p>

<p>Article 9</p>	<p>At the time of the audit the fire risk assessment for your premises was not suitable and sufficient.</p> <p>It was found that:</p> <p>1) The fire risk assessment did not suitably assess the suitability fire alarm system installed within the premises.</p> <p>2) The fire risk assessment did not suitably assess the FIRE RESISTANCE of the compartmentation and separation throughout the premises.</p> <p>3) The fire risk assessment does not suitably assess the number of persons that can safely occupy the premises. This is considered necessary given that only two exits are available.</p> <p>4) The fire risk assessment does not suitably assess how often the emergency lighting system should be tested.</p> <p>5) The fire risk assessment does not suitably assess how often the dry riser outlet should be serviced.</p>	<p>The fire risk assessment should be reviewed, with specific consideration given to:</p> <p>1) Assessing the suitability of the fire alarm system.</p> <p>2) Assessing the FIRE RESISTANCE of the compartmentation and separation.</p> <p>3) Assessing the number of persons that occupy the premises in relation to the amount of fire exits.</p> <p>4) Assessing how often the emergency lighting system should be routinely tested.</p> <p>5) Assessing how often the dry riser should be serviced.</p>
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**\*\*\*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.



LONDON FIRE AND EMERGENCY PLANNING AUTHORITY - LONDON FIRE BRIGADE

REGULATORY REFORM (FIRE SAFETY) ORDER 2005

PROHIBITION NOTICE

Name: 'The Responsible Person for'

Address: Capital House, 47 Rushey Green, Lewisham. SE6 4AS

I, Deputy Assistant Commissioner Kevin Hughes on behalf of the London Fire and Emergency Planning Authority (the Authority), London Fire Brigade Headquarters, 169 Union Street, London. SE1 0LL 0208 555 1200 hereby give notice that the Authority is of the opinion that the use of Capital House, 47 Rushey Green, Lewisham, SE6 4AS (the premises) for any use involves, or will involve, a risk to relevant persons so serious that the use of the premises ought to be prohibited or restricted.

The Authority is of this opinion because:

**There is insufficient fire resisting separation between the occupied areas and the means of escape from throughout the premises. There is also insufficient means of detecting a fire and giving warning to those using the premises. Any fire in any part of premises will result in heat and/or smoke filling the escape route and prevent persons in the building from making a safe escape from the premises.**

The Authority hereby directs that the use of the premises to which this notice relates is prohibited or restricted as follows:

**All accommodation on the first and second floors of the premises may not be used by any person other than those carrying out remedial works, construction or demolition until the matters identified above as giving rise to serious risk have been remedied.**

In the opinion of the Authority the risk of serious personal injury to relevant persons is imminent. The prohibition specified in this notice has immediate effect.

This notice continues in force until the matters identified above as giving rise to serious risk have been remedied or the Authority withdraws it. Further works or measures may be required to achieve compliance with the Regulatory Reform (Fire Safety) Order 2005. Where necessary, these will be detailed in a separate enforcement notice.

The measures contained in the schedule which forms part of this notice are those that the authority considers have to be taken to remedy the current serious nature of said matters. Further works or measures may be required to achieve compliance with the Regulatory Reform (Fire Safety) Order 2005. Where necessary, these will be detailed in a separate enforcement notice. There may be alternative means of remedying the said matters, subject to prior agreement with the authority. Any such proposals must be submitted to the Authority with:

- (i) a copy of the fire risk assessment; and
- (ii) a summary of the changes you propose to make to the existing fire precautions in order to remedy the specific failures

The proposals should not be implemented until they have been agreed to offer an acceptable level of safety."

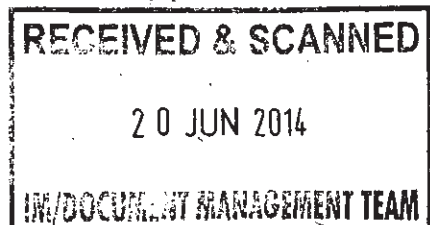
Signature:



Deputy Assistant Commissioner  
(The Officer appointed for the purpose)

Date:

5<sup>th</sup> June 2014



## NOTES

1. Contravention of any prohibition or restriction imposed by a prohibition notice is an offence under Article 32(e) of this Order and renders the offender liable, on a summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine or imprisonment for a term not exceeding two years, or both.
2. In any proceedings for an offence referred to in note 1, where the person charged is a person other than the person on whom the prohibition notice was served, it shall be a defence for that person to prove that he/she did not know and had no reason to believe the notice had been served.
3. The person on whom the notice is served has a responsibility to take all reasonable steps to ensure compliance with the notice and is advised to make the effect of the notice known to those who might work on or resort to the premises. Failure to take such steps may constitute a contravention of the terms of the notice and render the person on whom the notice is served liable to the penalties described in note 1.
4. Your attention is drawn to the provision for appeal to a magistrates' court against this notice in Article 35 of the said Order.

A person on whom a prohibition notice is served may appeal to the court within 21 days from the date on which the prohibition notice is served.

The bringing of an appeal does not have the effect of suspending this notice, unless on the application of the appellant, the court so directs (and then only from the giving of the direction).

## **ENVIRONMENT AND SAFETY INFORMATION ACT 1988 SECTION 4 - PROTECTION OF TRADE SECRETS**

The above Act requires the London Fire and Emergency Planning Authority to maintain public registers of notices issued under Article 31 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 Fire Authority within a period of 14 days following the service of the notice, requesting exclusion of these details (see Section 4 of the 1988 Act).