

**Freedom of Information request reference number:** 9049.1

**Date of response:** 3 October 2024

**Request:**

*COMMERCIAL ROAD, LONDON E1 1NU, as part of Tower Hamlets inspection regime of tall buildings within the Borough, an inspection was undertaken at the above on the 29<sup>th</sup> August 2024 under the Housing Act 2004.*

*I have been informed that an audit was undertaken by LFB on 3<sup>rd</sup> May 2023 and the outcome was a Notification of Deficiency.*

*I have enclosed audit reference number 05/002234 in order that I may have a copy.*

**Response:**

The LFB Fire Safety Regulatory team confirm that the last audit conducted on this building was in May 2023

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 in order 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 the 24 May 2023. A copy of the notice is attached below along with the extracts.

A copy of the NOD issued can be found on pages 3 to 8 of this document. Personal data has been removed from the NOD document 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).

Where a Fire Safety Audit (FSA) results in a notice being issued by the London Fire Brigade (LFB) the audit reports themselves are exempt from release under The Freedom of Information Act (FOIA) provisions under [Section 31 of the FOIA](#) - law enforcement (Section 31(1)(g) combined with 31(2) (a) and 31(2) (c)).

I hope you find this information of use. Should you have any further questions please do let me know.

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](#)

The Company Secretary  
Haus Block Management Limited  
C/O Angel Wharf Management Limited  
266 Kingsland Road  
London  
E8 4DG

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

Date 24 May 2023  
Our Ref 05/002254/

Dear Sir/Madam

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

**Premises: Flats 62-82 Commercial Road, London E1 1NU**

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 the Fire Safety Order (as amended) 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 the Fire Safety Order (as amended).

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 **18 December 2024**.

If you are in any doubt about what you need to do to comply with the Fire Safety Order (as amended); 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 website 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 (as amended) 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 (as amended).


Yours faithfully,

  
**for Assistant Commissioner (Fire Safety)**

Directorate of Operations

FSR-AdminSupport@london-fire.gov.uk

Reply to Inspecting Officer 

Direct T 0208 555 1200 

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

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: Flats 62-82 Commercial Road, London E1 1NU**

**FILE NUMBER: 05/002254**

This schedule should be read in conjunction with the Commissioner's letter dated **24 May 2023**.

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:

<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. It was found that:</p> <p>1) The maintenance of the fire alarm system had not been controlled, as there has been some faults showing on the alarm panel for some time.</p> <p>2) The emergency plan in relation to residents has not been subject to a review as residents have not been notified of the assembly point, and of any persons requiring assistance to evacuate from the premises in an emergency had not been identified.</p>	<p>Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.</p>
Article 14	<p>At the time of the audit the emergency routes or exits were inadequate. It was found that the protected corridor had potentially inadequate FIRE RESISTANCE as within the 2nd and 9th floor cross corridor doors there were sizeable gaps at the top whereby smoke could spread through these areas.</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 installing intumescent strips and seals at the top of the 2nd and 9th floor cross corridor doors to ensure full fire safety separation within these doors, and the protected lobbies.</p>
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) Residents have not been notified of the assembly point to congregate to if fire occurs.</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) All residents to be notified of the assembly point to congregate to should the fire alarm sound throughout the premises.</p>

Article 15 continued	2) Residents requiring assistance if required to evacuate from the premises in the form of a personal emergency evacuation plan register has not been identified.	2) Residents to be identified as part of a personal emergency evacuation plan register regarding those requiring assistance if an emergency evacuation is required.
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:</p> <p>1) Some self closers on the staircases fire doors were not self closing the doors fully into their frames, one on the 2nd floor staircase door is stuck open unless physically pushed to be fully closed.</p> <p>2) The fire alarm system via faults showing on the alarm panel was not being fully maintained</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) Ensuring that all of the self closers on the staircases fire doors are fully self closing into their frames, and the end floor staircase door that is stuck open, is fully self closing into the frame.</p> <p>2) Ensuring that the fire alarm panel together with the system is maintained to ensure the fire detection and alarm system is fully functioning throughout the block.</p>
Article 8	<p>At the time of the audit the FIRE RESISTING separation in your premises was inadequate. It was found that at the time of the audit the FIRE RESISTING separation in your premises was inadequate. It was found that during a fire that started within an apartment, smoke travelled horizontally and vertically through compartmentation to other apartments within the 3rd floor and some floors above. Residents within other apartments had smoke penetrate their apartments via inadequate compartmentation.</p>	<p>Provide suitable FIRE RESISTING separation by restoring the compartmentation separation between apartments, so that if a fire occurs this will be contained solely within the apartment of origin.</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 20ZA of that Act.