

Freedom of Information request reference number: 8347.1

Date of response: 22/02/2024

Request:

I am a leasehold resident at the above property and am informed by the LFB, that I can obtain from you a copy of the above referenced inspection report. Would you please either forward by email a copy of the report, or send a hard copy to me at the above address.

Response:

Further to your request, a Fire Audit report was completed on the 23rd November 2023 for Emanuel House, 18 Rochester Row, London SW1P 1NS. The outcome of the report was *High Risk*, and an Enforcement Notice was issued. Where an Enforcement Notice is provided, LFB do not release a Fire Safety Report. A summary of the findings can be found on the Enforcement Notice, which is provided below. Personal data has been redacted in accordance with [section 40 of the FOIA – Personal Information](#).

Please note, when issuing an Enforcement Notice, the London Fire Brigade (LFB) gives a period of 21 days where the responsible person(s) can appeal against its issuing.

Copies of live Enforcement Notices are publicly available on the LFB website: [Enforcement Notice](#).

We do not disclose the Fire Safety Audit report where an Enforcement Notice has been issued.

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 Chief Executive
The Lord Mayor Citizens of
City of Westminster
Westminster City Hall
64 Victoria Street
London, SW1E 6QP

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

Date: 30 November 2023
Our Ref: 01/018937/1 B

ENFORCEMENT NOTICE

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

TO:
Name: **City of Westminster**

Address: **The Lord Mayor Citizens of, Westminster City Hall, 64 Victoria Street,
London SW1E 6QP**

Concerning Premises at: **Emanuel House, 18 Rochester Row, London SW1P 1NS**

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 **18 April 2024** (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]

(The Officer appointed for the purpose)

Dated: 30 November 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.

Reply to Inspecting Officer [REDACTED]
Direct T 020 8555 1200 [REDACTED]
[REDACTED]@london-fire.gov.uk

Encl: FS03_01a, FS03_01b & FS03_06

Cc: [REDACTED]@westminster.gov.uk

[REDACTED]@firstport.co.uk

[REDACTED] Firstport Group Limited , Queensway House, 11 Queensway, New Milton,
Hampshire, BH25 5NR.

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: Emanuel House, 18 Rochester Row, London SW1P 1NS

FILE NUMBER: 01/018937

This schedule should be read in conjunction with the Commissioner's Notice dated **30 November 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.</p> <p>It was found that:</p> <ol style="list-style-type: none">1) Management had not planned the preventative and protective measures required for the simultaneous evacuation stated on the fire risk assessment. The fire alarm was not interlinked to the flats from the common parts to allow for a full evacuation.2) The maintenance of flat front doors and communal fire doors had not been planned or organised.3) The management had not uploaded the fire safety information onto the London Fire Brigade High Rise Portal with regards to plans, external wall information and reporting defects.4) Storage of combustible items in the means of escape was not monitored or controlled. There was furniture and old audio equipment outside flat 7.	<p>Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.</p>

Article 11 continued.	<p>5) There was no monitoring or reviewing where wires were passing through walls without any adequate fire stopping. This was evident on the basement level near the storage area for residents.</p> <p>6) The management has not planned to provide wayfinding signage in communal areas in accordance with new Fire Safety Regulations (England) 2022.</p>	
Article 14	<p>At the time of the audit the emergency routes or exits were inadequate.</p> <p>It was found that:</p> <p>1) At the time of the inspection it was found that items were being stored in the means of escape outside flat 7. There was furniture and old audio equipment stored there.</p> <p>2) Compartmentation was breached near the basement storage area for residents. Wires were going through walls without any fire stopping.</p>	<p>Ensuring 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.</p> <p>This can be achieved by:</p> <p>1) Removing any items being stored on the escape routes.</p> <p>2) Ensuring all breaches in compartmentation are adequately fire stopped.</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 the fire risk assessment stated that the emergency evacuation procedures for the premises were simultaneous evacuation. The fire alarm in the premises did not support this evacuation procedure as it was not interlinked the flats to allow for full evacuation.</p>	<p>Adequate procedures for serious and imminent danger and for danger areas should be established and followed. This can be achieved by reviewing the compartmentation survey and fire strategy to seek the correct evacuation strategy for your premises.</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.</p> <p>It was found that:</p> <p>1) There was no evidence that emergency escape lighting had undergone a programme of testing and maintenance. On questioning the responsible person, they said they will send it through.</p> <p>2) There was no evidence that communal fire doors had been subject to a programme of maintenance. Rising butt hinges were seen on the final communal fire doors on the 3rd and 4th floor which did not close fully into its door frame.</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 introducing a programme of inspection, testing and maintenance of:</p> <p>1) Emergency escape lighting.</p> <p>2) Repair or replacing of communal fire doors. This includes repairing/replacing the self closers on all fire doors, ensuring there are no large gaps around the edges and that all fire doors open and operate easily.</p>
<p>Article 17</p>	<p>The corridors, lobbies and stairs used for access to and from flats in the premises (the access routes) 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. flat front doors sampled 61, 50, 42, 40, 24 and 8 did not have</p>	<p>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 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 minute FIRE RESISTANCE. Available means the responsible person could use to comply with Article 17 (1) may include enforcing terms of lease and landlord and tenant/property legislation as lessor/owner.</p>

Article 17 continued.	working self closer and some had missing intumescent strips and cold smoke seals.	
Article 21	At the time of the audit your employees had not been provided with adequate safety training. It was found that the porter had not been given appropriate training on procedures to take in the event of a fire or any general fire safety such as the importance of doors.	Provide your staff with adequate safety training. In particular, what to do in the event of a fire and general fire safety such as the importance of fire doors and the triangle of fire.
Article 8	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: 1) The water tank room should have additional smoke detectors 2) Horizontal pipe penetration through floor of lift motor room.	Implement the significant findings of your fire risk assessment, in particular: 1) Install additional smoke detector heads in the water tank room. 2) Undertake remedial works to penetrations in the lift motor room in order to restrict fire/smoke spread capability.
Article 9	At the time of the audit the fire risk assessment for your premises was not suitable and sufficient. It was found that the risk assessor stated that the emergency evacuation procedures were simultaneous evacuation and it was supported by an interlinked fire alarm system to the flats. This was found not to be the case when the fire occurred on 18 November 2023 and the premises did not have the necessary fire alarm system to assist a full evacuation of the building. In addition to this the smoke extract in the common corridors were not working which is a requirement placed on the building when they sold off one of the staircases for means of escapes.	The fire risk assessment should be reviewed, with specific consideration given to with specific consideration given to the compartmentation survey and fire strategy to ascertain the right evacuation strategy for the premises.

*****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.