

Freedom of Information request reference number: 9052.1

Date of response: 08/10/2024

Request:

Is there a detailed report for the enforcement notice relating to Flats 40-81 Lait House, Albemarle Road, Beckenham, BR3 5LP that could be sent to me please.

Response:

Please see attached the Enforcement Notice relating to Flats 40-81 Lait House, Albemarle Road, Beckenham, BR3 5LP issued on 20th June 2022.

Please note this is a split enforcement notice meaning there are two letters issued - one to Managing agent and one to the RTM Company for each of the areas they are responsible for.

Please note that personal data has been removed from the attached document 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 2 Team
169 Union Street London SE1 0LL
T 020 8555 1200

Minicom 020 7960 3629
london-fire.gov.uk

The Company Secretary
Lait House RTM Company Ltd
266 Kingsland Road
London
E8 4DG

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

Date 20 June 2022
Our Ref 92/251981/

ENFORCEMENT NOTICE

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

TO :

Name: **Lait House RTM Company Ltd**

Address: **266 Kingsland Road, London E8 4DG**

Concerning Premises at: **Flats 40-81 Lait House, Albemarle Road, Beckenham BR3 5LP**

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 Order') in London.

I Charlie Pugsley, Assistant Commissioner (Fire Safety Regulation) 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 **19 June 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: 20 June 2022

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 T 020 8555 1200 [REDACTED]
FSR-AdminSupport@london-fire.gov.uk

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 40-81 Lait House, Albemarle Road, Beckenham BR3 5LP

FILE NUMBER: 92/251981

This schedule should be read in conjunction with the Commissioner's Notice dated **20 June 2022**.

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 14	<p>At the time of the audit the emergency routes or exits were inadequate. It was found that:</p> <p>1) There was not found to be any emergency door release devices within the carpark area, and it is unclear as to whether the doors were connected to the alarm system. If not, then there is no clear way for relevant persons to safely evacuate the carpark area.</p> <p>2) There were gaps between the smoke shaft door and the frame on the several floors. In the event of a fire, this may allow for smoke to re-enter the building and compromise other floors.</p> <p>3) The rear exit did not lead to a place of ultimate safety as the area was gated and there was no way evacuate from the immediate vicinity.</p> <p>4) The automatic smoke ventilation shaft did not operate automatically and therefore would not provide suitable ventilation to the corridors to the flats.</p> <p>5) There was a breach in the wall within the protected staircase on the 4th which could promote the passage of smoke throughout the premises.</p> <p>6) The lobby doors located on the ground and 3rd floors failed to shut fully into their frame.</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 that safe evacuation is available from all areas of the premises.</p> <p>2) Ensuring that all gaps between the smoke shafts and the frames are sufficiently sealed.</p> <p>3) Providing a means for residents to evacuate completely out of the gated area to the rear of the premises and ensure that all emergency exits lead to a place of ultimate safety away from the building.</p> <p>4) Ensuring that the automatic smoke ventilation shafts located on each floor are suitably repaired/replaced so that in the event of a fire the escape routes leading from the flats have adequate ventilation.</p> <p>5) Ensuring that the breach in the wall within the protected staircase on the 4th floor is suitably removed and the protected staircase is provided with a minimum of 30 minutes fire separation.</p> <p>6) Ensuring that all lobby doors are capable of shutting into their frame to prevent the rapid spread of smoke throughout the building.</p>

<p>Article 17</p>	<p>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.</p> <p>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.</p> <p>Flat 69 and 62's double perko devices failed to close their front doors into their frames and flat 64 and flat 40 had both their perko devices removed and did not close at all. The PROTECTED ROUTE has been compromised by the fitting of doors that do not provide 30 minutes fire protection to the access route.</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.</p> <p>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 lease and Landlord and Tenant / Property legislation as lessor/owner.</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> <ol style="list-style-type: none"> 1) There was damage sustained to the lobby doors leading to the flats on the 5th and 3rd floors in the form of a large crack which would not prevent smoke from spreading throughout the building. 2) There was damage to the manual break glass call point located on the ground floor car park area opposite the staircase. 3) The automatic smoke shafts within the corridors that are not operational, thereby preventing effective ventilation of smoke and fumes in the event of a fire. 	<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> <ol style="list-style-type: none"> 1) Ensuring that the lobby doors to the on the 5th and 3rd floors are suitably repaired and that all lobby doors provide 30 minutes FIRE RESISTANCE. 2) Ensuring that the manual break glass call points located on the ground floor car park area opposite the staircase is suitably repaired. 3) Ensuring that the automatic smoke shafts within the corridors are suitably repaired/replaced so that suitable ventilation is afforded to these areas.
<p>Article 9</p>	<p>At the time of the audit the fire risk assessment for your premises was not suitable and sufficient. It was found that the fire risk assessment has failed to identify the following:</p> <ol style="list-style-type: none"> 1) That the fire action notices on the ground floor/upper floors were conflicting. 	<p>The fire risk assessment should be reviewed, with specific consideration given to:</p> <ol style="list-style-type: none"> 1) Ensuring that the appropriate evacuation strategy is displayed on all fire action notices throughout the premises.

<p>Article 9 Cont'd</p>	<p>2) That there is no way to evacuate the premises from the carpark area as no emergency door releases have been provided.</p> <p>3) That the exit signage from within the carpark instructed occupants to evacuate via the garden roof on the first floor. There is no exit from this area and therefore the signs should be replaced to avoid confusion.</p> <p>4) That the emergency lighting, automatic smoke detection, automatically opening ventilation, ventilation shaft, firefighter lift and dry riser should be subject to annual servicing or regular maintenance testing.</p>	<p>2) Ensuring that escape can be made safely and efficiently from all areas of the premises.</p> <p>3) Ensuring that suitable emergency exit signage is displayed in accordance with BS5499-4.</p> <p>4) Ensuring that the emergency lighting, automatic smoke detection, automatically opening ventilation, ventilation shaft, firefighter lift and dry riser are subject to annual servicing and routine maintenance.</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 BRIGADE

Fire Safety Regulation, South East 2 Team
169 Union Street London SE1 0LL
T 020 8555 1200

Minicom 020 7960 3629
london-fire.gov.uk

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

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

Date 20 June 2022
Our Ref 92/251981/

ENFORCEMENT NOTICE

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

TO :

Name: **Managed Exit Limited C/O Haus Block Management**

Address: **266 Kingsland Road, London E8 4DG**

Concerning Premises at: **Flats 40-81 Lait House, Albemarle Road, Beckenham BR3 5LP**

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 Order') in London.

I Charlie Pugsley, Assistant Commissioner (Fire Safety Regulation) 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 **19 June 2023** (or such extension if granted by the Commissioner).

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- 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]

Assistant Commissioner
(The Officer appointed for the purpose)

Dated: 20 June 2022

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]
FSR-AdminSupport@london-fire.gov.uk

Encl: FS03_01a, FS03_01b, FS03_06

Cc: [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.

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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 40-81 Lait House, Albemarle Road, Beckenham BR3 5LP

FILE NUMBER: 92/251981

This schedule should be read in conjunction with the Commissioner's Notice dated **20 June 2022**.

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) The wires held up by plastic cable ties within the carpark were not being controlled.</p> <p>2) The maintenance testing of the emergency lighting, automatically opening ventilation system, firefighters lift, and manual call points has not been planned or organised.</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 exit signage from within the carpark instructed occupants to evacuate via the garden roof on the first floor. There is no exit from this area and therefore the signs should be replaced to avoid confusion.</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 ensuring that all signage clearly directs relevant persons to the nearest available emergency exit in accordance with BS5499.</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 current fire action notices displayed within the premises inform residents that the premises adopt a full evacuation strategy.</p>	<p>Adequate procedures for serious and imminent danger and for danger areas should be established and followed. This can be achieved by replacing the current fire action notices with notices displaying a suitable evacuation strategy for the type and use of the premises.</p>
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) The fire alarm panel located on the ground floor was showing faults.</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 the fire alarm panel is reset by a competent person.</p>

Article 17 Cont'd	2) The automatic smoke shafts within the corridors that are not operational, thereby preventing effective ventilation of smoke and fumes in the event of a fire.	2) Ensuring that the automatic smoke shafts within the corridors are suitably repaired/replaced so that suitable ventilation is afforded to these areas.
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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.