



LONDON FIRE BRIGADE

London Fire Brigade Headquarters  
169 Union Street London SE1 0LL  
T 020 8555 1200 F 020 7960 3602  
Textphone 020 7960 3629  
london-fire.gov.uk

**Freedom of Information request reference number: FOIA 8130.1**

**Date of response: 18<sup>th</sup> December 2023**

**Request:**

*16, Eastman Road, Acton, W3 7YG*

*I would like to review any and all records you have for the above-referenced property pertaining to the following:*

- *Are there any unresolved Notice of Violation or Notice to Comply against the property?*
- *How frequently is the property inspected by the fire department?*
- *Date of last inspection (if applicable):*
- *Are there any records related to the following for the property:*
  - *Current or historical use of hazardous materials/waste*
  - *Storage or Releases of hazardous materials/waste*
  - *Current or historical underground/aboveground storage tanks*
  - *Current or historical clarifiers*

**Response:**

Please see my response to each of your queries in turn below:

- *Are there any unresolved Notice of Violation or Notice to Comply against the property?*

Please note, the LFB do not use the terminology "Notice of Violation" or "Notice to Comply" in relation to our responsibility to [enforce fire safety legislation](#). If we discover problems, we can issue [legal enforcement or alteration notices](#), which require the responsible person to take specific action.

Our Prevention and Protection (Fire Safety) team records indicate there are no live enforcement notices, alteration notices or prohibition notices 16 Eastman Road, Acton, W3 7YG.

The result of the most recent fire safety audit (conducted in April 2019) confirmed that some fire safety matters required 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 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.

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, alteration notice or prohibition 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).

I have attached a copy of the NOD letter issued to Freshways, 16 Eastman Road, W3 on 30 April 2019 to this response. Personal data has been removed from the attached document under [section 40 of the FOIA – Personal Information](#).

- *How frequently is the property inspected by the fire department?*

The London Fire Brigade (LFB) operates a risk-based inspection programme for carrying out audits within London's building stock per year. We use our resources to target risk based on:

- A fire having occurred at the premises;
- An alleged fire risk being notified to the Brigade from a member of the public, or;
- As part of our audit programme (under the Regulatory Reform fire safety Order (RRO) 2005).

Therefore, depending on the established risk score, we could go out to inspect anywhere between six months to five years or, on a random sampling process according to the level of risk.

- *Date of last inspection (if applicable)*

The most recent fire safety audit was conducted on 17 April 2019.

- *Are there any records related to the following for the property:*
  - *Current or historical use of hazardous materials/waste*
  - *Storage or Releases of hazardous materials/waste*
  - *Current or historical underground/aboveground storage tanks*
  - *Current or historical clarifiers*

Environmental search information is not available under the freedom of information act (FOIA) as it is considered a chargeable service and, as such, will incur a fee. As a result, the information is exempt from disclosure via [Section 21 of the FOIA - Information accessible to applicant by other means](#).

You can request an environmental search from the LFB's Petroleum team via the following link:

<https://www.london-fire.gov.uk/about-us/services-and-facilities/services-we-offer/petroleum-enforcing-authority-pea/>

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](#).



LONDON FIRE BRIGADE

Fire Safety Regulation, North West 2 Team  
169 Union Street London SE1 0LL  
T 020 8555 1200 x [REDACTED]

Minicom 020 7960 3629  
london-fire.gov.uk

[REDACTED]  
Freshways  
16 Eastman Road  
Acton  
London  
W3 7YG

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

Date 30 April 2019  
Our Ref 27/011869 [REDACTED]

[REDACTED]

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

**Premises: Freshways ,16 Eastman Road, Acton, W3 7YG**

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 (The Order) 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 Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order).

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 **23 July 2019** .

If you are in any doubt about what you need to do to comply with the Fire Safety Order; 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 web-site 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 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.

Yours sincerely

**for Assistant Commissioner (Fire Safety)**

Directorate of Operations

FSR-AdminSupport@london-fire.gov.uk

[Redacted signature block]

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

[Redacted footer block]

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: Freshways ,16 Eastman Road, Acton, W3 7YG**

**FILE NUMBER: 27/011869**

This schedule should be read in conjunction with the Commissioner's letter dated **30 April 2019**.

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 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) It is unclear as to what exactly staff and other people present at the site should do in the event of an actuation of the fire alarm system. An example of this is found in the emergency plan: " If anyone who leaves the building without clocking out during unusual business will be subject to disciplinary action. "</p> <p>2) Fire drills are not being carried out ( including all staff members , across all shift patterns), to ensure that employees and others on site have the knowledge of and have practiced the evacuation procedure</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) Producing a clear and unambiguous evacuation policy which clearly describes a simultaneous evacuation procedure to be enacted when an incident occurs should be written, and the staff at the site should be informed of and trained in this procedure.</p> <p>2) Regular fire drills should be undertaken and all members of staff should participate in them. The procedure should address the following issues:</p> <p>How to raise the alarm in case of fire</p> <p>Action to be taken on hearing the alarm</p> <p>Shut down procedures (if required)</p> <p>Summoning the fire and rescue service</p> <p>Assembly point, roll call, sweeps.</p> <p>Staff roles and responsibilities</p> <p>Contingency plan or business continuity plan</p> <p>Carrying out regular fire drills, that are timed and the results recorded, to include all members of staff across all shifts.</p>

Article 16	At the time of the audit your emergency measures in relation to dangerous substances were inadequate. It was found that there was no indication in the form of Hazchem signage to indicate to emergency services what hazards are present, what level of protection is required and what kind of firefighting media may be used to fight any fire involving the substance .	Adequate emergency measures in relation to dangerous substances should be established and followed. This can be achieved by mounting Hazchem signage in a suitable position to indicate the hazard and precautions that are necessary to be taken at this site.
Article 8	At the time of the audit the FIRE RESISTING separation in your premises was inadequate. It was found that the ground floor main electrical switch room was found to have holes around cabling, missing fire batt and fire batt that has not been correctly installed. The wall that this breach is in leads to a large diesel tank outside.	Provide suitable FIRE RESISTING separation by installing proprietary sealing systems around penetrations to compartment walls to provide suitable fire separation.
Article 9	At the time of the audit the fire risk assessment for your premises has not been subject to a suitable system of review. It was found that the fire risk assessment presented as evidence is dated 03 April 2017, so requires review.	The fire risk assessment should be reviewed.

**\*\*\*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.