



Essex County
Fire & Rescue Service

[REDACTED]
Chief Fire Officer / Chief Executive

North East Group Service Delivery Point
Colchester Fire Station
Cowdray Avenue
Colchester
CO1 1XT

[REDACTED]
Aries Property management
No Address

[REDACTED]
northeastgroupsdp@essex-fire.gov.uk

Our Ref: 66293
Your Ref:

Date: 21 April 2021

Dear

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005
Premises: Heia Wharf Hawkins Road Colchester CO2 8XY
LETTER OF NON-COMPLIANCE

Further to the recent visit carried out on the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority is of the opinion that you are not fully complying with the above legislation. The Order requires fire safety issues at the above premises to be effectively managed. You are required to continuously monitor and review where necessary the effectiveness of your Fire Risk Assessment.

The visit was not a comprehensive audit of all fire safety matters but looked into a variety of aspects from which our findings are drawn. Failure to address the items specified in the report could result in enforcement action being taken. This letter and attached schedule are issued without prejudice to any legal action which may subsequently be taken regarding failures to comply with the legislation.

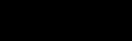
The part(s) of the legislation with which you are not complying are set out in the attached report; these matters are such that they require urgent attention.

A further visit may be carried out to ensure that the requirements of the schedule have been complied with.

For technical detail and guidance you are strongly advised to purchase the guidance document from the list attached to this letter. Alternatively, these can be viewed online at <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>. When purchasing or installing equipment, compliance with the relevant British Standard is normally taken as being adequate. Should the issues set out in this report require major changes or costs then you are advised to take professional advice before proceeding.

If you have any further queries, then please contact the above Officer quoting our reference number.

Yours faithfully,

A large black rectangular redaction box covering the signature area.A small black rectangular redaction box covering the name of the officer.

REPORT

Premises **Hawkins Road**

Colchester CO2 8XY

Premises No. 02367326

The following issues were noted as requiring attention during the audit/visit.

Risk Assessment

Failure

A Fire Safety Risk Assessment was not available at the time of the inspection

Legislation Applicable

Article 9 (1) of the Regulatory Reform (Fire Safety) Order 2005

The responsible person must ensure that the risk assessment is made available for managers, employees and the enforcing authority to confirm that a suitable and sufficient assessment of the risks has been carried out, recorded and reviewed as applicable.

The inspection revealed that the fire risk assessment has not been made available for inspection.

Suggested action to remedy failure

The responsible person should ensure that there is a valid and suitable fire risk assessment for the premises. The responsible person should make the assessment available upon request to a Fire Officer so that a determination can be made on the risks posed at the premises. It should be noted that requests have been made for the information, but still not received at the time of this notice

Duty to take General Fire Precautions

Failure

To take such general fire precautions as will ensure the safety of all relevant persons.

Legislation Applicable

Article 8 (1) (b) of the Regulatory Reform (Fire Safety) Order 2005 supported by Article 4, which determines what is meant by general fire precautions.

The responsible person must take such general fire precautions in relation to all relevant persons.

General fire precautions in relation to premises means:-

- (a) Measures to reduce the risk of fire on the premises and the risk of the spread of fire on the premises;
- (b) Measures in relation to the means of escape from the premises;
- (c) Measures for securing that, at all material times, the means of escape can be safely and effectively used;
- (f) Measures in relation to the arrangements for action to be taken in the event of fire on the premises, including—
 - (i) Measures to mitigate the effects of the fire.

The inspection revealed that there is no information to verify that the findings identified in the compartmentation survey have not been actioned, specifically, those issues identified with compartmentation breaches.

It was noted at the time of the site visit that the premises have an external fascia along the upper floor, it could not be determined what this was made from or if there are concerns of fire spread due to its presence. Furthermore wooden decking on balconies was observed along with some wooden fascia materials.

Maintenance records have not been made available for inspection

Suggested action to remedy failure

The Responsible Person should review the fire risk assessment and implement actions to address the significant findings. The following in particular should be addressed:

1. Remediation of the issues identified within the compartmentation survey should be actioned at the earliest opportunity. Any remedial works already completed in this respect should also be documented within the fire risk assessment.
2. Where it is identified that there is an external wall system which presents as cladding, this should be investigated so as to ascertain if it poses a risk of fire spread along the external envelope of the building. This also applies to the wooden decking on balconies. Depending on the outcome of the investigation remedial works may be necessary.
3. Where it is determined that risk is posed by the EWS and / or internal compartmentation breaches a change in evacuation strategy to a simultaneous evacuation may be necessary. If this is the case, all residents must be informed. It is also recommended that a survey is completed to find any residents who may be unable to self-evacuate so that this information can be given to the fire and rescue upon attendance and so that other arrangements may be put into place
4. Depending on the risk posed by the EWS or other factors, and where it is deemed necessary to suspend the 'stay-put' strategy, the responsible person must ensure that warning of a fire to all residents can be achieved. This may mean the installation or upgrading of fire alarm systems and / or initiating of a 'waking-watch'. The NFCC simultaneous evacuation guidance should be followed along with the MHCLG – Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings.
5. Maintenance records should be made available for inspection by a Fire Officer upon request.

Please be advised that matters detailed under the “Suggested actions to remedy failure” heading(s) are only one method of achieving compliance. You may wish to seek further specialist advice for another means of achieving this compliance.

**Guides in the Series available from the CLG
(Communities and Local Government)**

<https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>

1	Offices & Shops ISBN-13:978 1 851 12 851 0	Offices and retail premises (including individual units within larger premises, e.g. shopping centres)
2	Factories & Warehouses ISBN-13:978 1 851 12 816 7	Factories and warehouse storage premises
3	Sleeping Accommodation ISBN-13: 978 1 851 12 817 4	All premises where the main use is to provide sleeping accommodation, e.g. hotels, guest houses, B&Bs, hostels, residential training centres, holiday accommodation and the common areas of flats, maisonettes, HMOs and sheltered housing (other than those providing care - see Residential Care Premises), but excluding hospitals, residential care premises, places of custody and single private dwellings.
4	Residential Care Premises ISBN-13:978 1 851 12 818 1	Residential Care and nursing homes, common areas of sheltered housing (where care is provided) and similar premises, which are permanently staffed and where the primary use is the provision of care rather than healthcare (see Health Care Premises)
5	Educational Premises ISBN-13: 978 1 851 12 819 8	Teaching establishments ranging from pre-school through to universities, except the residential parts (See Sleeping Accommodation).
6	Small & Medium Places of Assembly ISBN -13: 978 1 851 12 820 4	Smaller public houses, clubs, restaurants and cafes, village halls, community centres, libraries, marquees, churches and other places of worship or study accommodating up to 300 people
7	Large Places of Assembly ISBN-13: 978 1 851 12 821 1	Larger premises where more than 300 people could gather, e.g. shopping centres (not the individual shops), large nightclubs and pubs, exhibition and conference centres, sports stadia, marquees, museums, libraries, churches, cathedrals and other places of worship or study
8	Theatres, Cinemas, and Similar Premises ISBN-13: 978 1 851 12 822 8	Theatres, cinemas, concert halls and similar premises used primarily for this purpose
9	Open Air Events and Venues ISBN-13: 978 1 851 12 823 5	Open air events e.g. theme parks, zoos, music concerts, sporting events (not stadia - see Large Places of Assembly), fairgrounds and county fairs.
10	Healthcare Premises ISBN-13:978 1 851 12 824 2	Premises where the primary use is the provision of healthcare (including private) e.g. hospitals, doctors' surgeries, dentists and other similar healthcare premises
11	Transport Premises and Facilities ISBN-13:978 1 851 12 825 9	Transportation terminals and interchanges e.g. airports, railway stations (including sub-surface), transport tunnels, ports, bus and coach stations and similar premises but excluding the means of transport (e.g. trains, buses, planes and ships)
12	Animal Premises and Stables ISBN-13: 978 1 85112 844 6	Animal premises, stables, livery yards and stables within zoos, large animal sanctuaries or farm parks
13	<i>Supplementary Guide</i> Means of Escape for Disabled People ISBN – 13: 978 1 85112 873 7	This guide is a supplement to be read alongside other guides in this series. It provides additional information on accessibility and means of escape