



Essex County
Fire & Rescue Service

[REDACTED]
Chief Fire Officer / Chief Executive

[REDACTED]
Cuckoo Point Property MCL
C/O Red Rock Estate & Property Management Ltd
Red Rock House
Oak Business Park
Wix Road
Beaumont
CO16 OAT

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

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

Our Ref: 80823
Your Ref:

Date: 10 November 2021

Dear Sir,

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005
Premises: Flats 12-35 St James Place De Grey Road, Colchester CO4 5TZ

LETTER OF NON-COMPLIANCE

Further to the recent visit carried out on 6th October 2021 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 will be made on or after the 31 March 2022 to ensure that the requirements of the schedule have been carried out.

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,



Watch Manager
Protection

REPORT

Premises **Flats 12-35 St James Place De Grey Road, Colchester CO4 5TZ**
Premises UPRN. **10095445821**

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

Duty to take General Fire Precautions

Failure

To take such general fire precautions as will ensure the safety of relevant persons who are not employees.

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.

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;
- (d) Measures in relation to the means for fighting fires on the premises;
- (e) Measures in relation to the means for detecting fire on the premises and giving warning in case of fire on the premises; and
- (f) Measures in relation to the arrangements for action to be taken in the event of fire on the premises, including—
 - (i) Measures relating to the instruction and training of employees; and
 - (ii) Measures to mitigate the effects of the fire.

The inspection revealed:

- (1) The findings and recommendations identified by the 'Tri-Fire' specialist report completed in April 2021 have yet to be actioned.
- (2) There were breaches found around services within the ceiling to the car park.
- (3) There were breaches found around services within the electrical service cupboards on the 2nd and 1st floors.
- (4) Balconies made with combustible materials are a potential source of rapid fire spread on the external wall of residential buildings. It is the view of the Expert Panel that as a result the design of balconies should not assist fire spread along the external wall. Balconies including combustible materials that do not meet an appropriate standard of safety should be remediated at the earliest opportunity.

Suggested action to remedy failure

The responsible person should:

- (1) Review the specialist report and implement actions to address the findings in order to comply with Article 8. The following in particular should be addressed:

Where the specialist report has identified the potential for 'rapid fire spread' along the external wall system of the building, due to the presence of the High Pressure Laminate (HPL) Cladding system and phenolic foam insulation, not of limited combustibility, remediation must take place.

Specific details and recommended actions required are to be found within the specialist technical report and includes the removal and replacement with materials that achieve Euroclass A2 or better. It is also recommended that timber decking on balconies is removed and replaced with materials achieving Euroclass A2 or better.

The next steps should be to engage with a Chartered surveyor to produce a specification of remedial works to replace the HPL cladding and insulation, along with the timber decking to balconies.

- (2) Provide suitable fire resisting separation by repairing any holes in the ceiling. All breaches around pipework and cabling must be infilled with fire resisting material, closely packed to form an effective fire barrier. All works are to be carried out by a competent person.
- (3) Provide suitable fire resisting separation by repairing any holes in the ceiling. All breaches around pipework and cabling must be infilled with fire resisting material, closely packed to form an effective fire barrier. A survey should be carried out to all service risers making sure that there is adequate fire stopping in place. All works are to be completed by a competent person.
- (4) The removal and replacement of any combustible material used in balcony construction should take place in accordance with the advice given in MHCLG Advice for Building Owners of Multi-storey, Multi-occupied Residential Buildings.

Risk Assessment

Failure

The Fire Safety Risk Assessment has not been reviewed on a regular basis

Legislation Applicable

Article 9 (3) (a) of the Regulatory Reform (Fire Safety) Order 2005

The responsible person should constantly monitor and review the fire risk assessment, to assess how effectively the risk is being controlled.

Part 1 • Fire risk assessment

If you have any reason to suspect that your fire risk assessment is no longer valid or there has been a significant change in your premises that has affected your fire precautions, you will need to review your assessment and if necessary revise it.

Reasons for review could include:

- changes to work activities or the way that you organise them, including the introduction of new equipment;
- alterations to the building, including the internal layout;
- substantial changes to furniture and fixings;
- the introduction, change of use or increase in the storage of hazardous substances;
- the failure of fire precautions, e.g. fire-detection systems and alarm systems, life safety sprinklers or ventilation systems;
- significant changes to type and quantities and/or method of storage of goods;
- a significant increase in the number of people present; and
- the presence of people with some form of disability.

You should consider the potential risk of any significant change before it is introduced.

The inspection revealed:

- (1) The Fire Risk Assessment does not refer to the External Wall Survey (EWS) and hasn't been reviewed in light of the EWS report carried out in April 2021 by Tri Fire.
- (2) The fire risk assessment does not fully take account the fire protection systems such as automatic detection within the communal areas and how this could affect the fire strategy for the building.

Suggested action to remedy failure

The responsible person should:

- (1) Review the fire risk assessment and take account of the remediation works highlighted within the external façade survey. The responsible person should ensure that the fire risk assessment is subject to continuous review and updates as progress is made in the remediation of risks

identified. The complexity of information contained in assessments of external wall systems mean that wherever possible information about the external wall system and an updated fire risk assessment should be obtained in advance of undertaking a physical inspection of the premises. Following the receipt of a report from a Fire Engineer the responsible person should ensure that the fire risk assessment for the building should be holistically reviewed to consider both the risk of external fire spread and existing active and passive fire safety features in the building.

- (2) The presence of the fire safety systems and facilities within the premises should be reflected in the fire risk assessment, and account should be taken of their contribution (if any) to the safety of relevant persons.

Fire Safety Arrangements

Failure

A fire safety policy document has not been prepared

Legislation Applicable

Article 11 (1) & (2) of the Regulatory Reform (Fire Safety) Order 2005

In order to develop and maintain the safety of the building and that of employees and other relevant persons, the building management team should have formulated and documented a fire safety strategy. This strategy may include a fire safety manual in which technical specifications for all aspects of the workplace are included i.e. :-

- A fire safety policy statement appropriate to the building configuration, location, occupation and use. The fire safety policy statement should include general safety issues related to the use of the building and the aims and objectives of the proposed management system and its methodology.
- Fire safety specification for the premises including plans where appropriate.
- Safety management structure.
- Continuing controls and audit procedures.
- Actions to be taken in a fire emergency.
- Fire drills.
- Housekeeping.
- Planned maintenance procedures.
- Staff training.
- Security.
- Record keeping.

The inspection revealed that:

- (1) The preventative and protective measures had not been planned, organized, monitored or reviewed where required. It was found that the testing of the fire alarm system had not been planned, organized and monitored.
- (2) Monthly testing of the mechanical opening vents had not been planned, organized and monitored.
- (3) The build up of combustible storage within the common areas was noted.

Suggested action to remedy failure

The responsible person should implement a system of planning, organizing, controlling, monitoring and reviewing fire safety arrangements.

Procedures for Serious and Imminent Danger and for Danger Areas

Failure

Insufficient information was made available to persons in the event of serious and/or imminent danger

Legislation Applicable

Article 15 (2) (a) of the Regulatory Reform (Fire Safety) Order 2005

You must provide information concerning any significant risks to staff and other relevant persons that have been identified in your fire risk assessment or any similar assessment carried out by another user and responsible person in the building.

- (1) The inspection revealed that the premises fire action notices inform persons to activate the manual call points within the common areas even though no call points are present within the building.
- (2) The inspection revealed that the premises fire action notices inform persons to 'Stay Put' however, there are communal fire detectors sited within the communal areas of the premises. If a detector was to activate this could lead to confusion.

Suggested action to remedy failure

- (1) and (2) The responsible person should have adequate, established procedures for serious and imminent danger and for danger areas. This can be achieved by reviewing the fire strategy for the premises and the fire action notices throughout the premises and reflect the fire strategy.

Maintenance

Failure

The automatic fire-fighting equipment is inadequately maintained

Legislation Applicable

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005

Fixed installations must be maintained, tested and serviced to the standards recommended in the appropriate BS. The outcome of the service should be recorded.

The inspection revealed you could not provide any documentation to show that the mechanical opening vents are subject to a suitable system of testing and maintenance.

Suggested action to remedy failure

The responsible person should arrange initial and on-going maintenance to ensure fire safety measures are kept in an efficient state, working order and good repair.

Maintenance

Failure

The fire alarm system is inadequately maintained

Legislation Applicable

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005

The fire alarm system must be maintained. Consideration should be given to initiating a servicing contract with a competent contractor who should maintain and test the system in accordance with BS 5839. The outcome of the service should be recorded.

The inspection revealed you could not provide any documentation to show that the communal fire detectors are subject to a suitable system of testing and maintenance.

Suggested action to remedy failure

The responsible person should arrange initial and on-going maintenance to ensure fire safety measures are kept in an efficient state, working order and good repair.

Maintenance

Failure

The emergency lighting is inadequately maintained

Legislation Applicable

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005

The emergency lighting system must be maintained. All emergency escape lighting systems should be regularly tested and properly maintained to an appropriate standard.

It is recommended that consideration is given to the provision of a servicing contract with a competent contractor who should maintain and test the emergency lighting system in accordance with the recommendations of BS 5266-1:2016 & BS EN 50172:2004, BS 5266-8:2004 (or equivalent approved standard). The outcome of the service should be recorded.

The inspection revealed you could not provide any documentation to show that the emergency lighting system is subject to a suitable system of testing and maintenance.

Suggested action to remedy failure

The responsible person should arrange initial and on-going maintenance to ensure fire safety measures are kept in an efficient state, working order and good repair.

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>

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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