



Essex County  
Fire & Rescue Service

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West Bank Court  
44 Marine Parade West  
Clacton On Sea  
CO15 1NB

Our Ref: 115726  
Your Ref:  
Date: 05 July 2022

Dear Madam

**THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**  
**Premises: Westbank Court 44 Marine Parade West, Clacton On Sea CO15 1NB**

**LETTER OF NON-COMPLIANCE**

Further to the recent visit carried out on 5<sup>th</sup> July 2022 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,

**Protection**

## **REPORT**

Premises **Westbank Court 44 Marine Parade West, Clacton On Sea CO15 1NB**

Premises UPRN. **100091659494**

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

### **Risk Assessment**

#### **Failure**

A Fire Safety Risk Assessment has not been carried out.

#### **Legislation Applicable**

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

- (i) A suitable and sufficient assessment has not been made which identifies the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions he needs to take to comply with the requirements and prohibitions imposed on him by or under this Order.
- (ii) The responsible person must carry out a fire risk assessment which focuses on the safety in case of fire of all 'relevant persons'. It should pay particular attention to those at special risk, such as disabled people, those who have special needs and young persons, and must include consideration of any dangerous substance liable to be on the premises. The fire risk assessment will help identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions needed to be taken.
- (iii) In simple terms the risk assessment considers the following broad areas:-
  - That a fire can be detected in a reasonable time and that relevant persons can be warned,
  - That relevant persons who may be in the premises can get out safely,
  - That reasonable fire-fighting equipment is provided,
  - That relevant persons in the premises know what to do if there is a fire,
  - That all fire safety equipment is checked and maintained at the required time periods, and to a satisfactory standard.
- (iv) Where a responsible person employs 5 or more people (whether or not they are at work in the premises at any one time, or at separate premises), a license is in force under an enactment, or an alterations notice is in force, he/she must keep a written record of the significant findings of the risk assessment in respect of each premises.

**The inspection revealed that** a Fire Risk Assessment has not been carried out on the premises.

### **Suggested action to remedy failure**

It is the opinion of the Fire and Rescue Service that a suitable and sufficient risk assessment of the premises has not been carried out.

Your fire risk assessment will help you identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions you need to take.

A Fire Risk Assessment template and guidance book has been delivered by hand to the responsible person.

## **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.

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;
- (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 that** An electrical condition report was not available at the time of the visit.

### **Suggested action to remedy failure**

It is recommended that all electrical circuits be inspected and tested by a competent electrician in accordance with BS 7671:2008+A3:2015 'Requirements for electrical installations. IET Wiring Regulations' (or equivalent approved standard).

Inspections are advised at periods not exceeding five years.

## **Emergency Routes and Exits**

### **Failure**

The escape routes were obstructed

### **Legislation Applicable**

Article 14 (1) of the Regulatory Reform (Fire Safety) Order 2005

Clear exit routes should be maintained to each fire exit & all such fire exits should be kept unlocked and immediately available to occupants at all times that the premises are occupied.

**The inspection revealed that** there were various items stored in the corridors which form a protected route.

### **Suggested action to remedy failure**

Corridors and stairways that form part of escape routes should be kept clear and hazard free at all times.

### **Maintenance**

#### **Failure**

The structural fire precautions are inadequately maintained

#### **Legislation Applicable**

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

To ensure effective protection against fire which may spread, affecting the escape routes that people will use, structural fire precautions such as walls, **doors** and floors providing fire separation must form a complete barrier. The responsible person must ensure that structural items are maintained in an effective condition.

**During the inspection** 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 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.

The fire resistance to flat doors 1-6 Were not to the required fire resisting standard. The PROTECTED ROUTE has been compromised by the fitting of doors that do not provide 30 minutes fire protection to the access route.

### **Suggested action to remedy failure**

The responsible person should 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 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.

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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