

Freedom of Information request reference number: 6310.1

Date of response: 07 February 2022

Request and response:

"Can you please check Tower Point, 52 Sydney Road, Enfield, EN2 6SZ and let me know if you have put any notices on it"

The LFB Fire Safety Regulatory team confirmed that they conducted an audit at this building on 13 December 2021.

The result of the audit confirmed that some fire safety matters require 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 in order 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.

A copy of the NOD issued can be found on pages 2 to 10 of this document.

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). 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).

Personal data has been removed from the NOD 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/>

The Company Secretary
Kopin Limited
Harold Benjamin Solicitors Fourth Floor
Hygeia House, 66 College Road
Harrow
United Kingdom
HA1 1BE

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

Date 04 January 2022
Our Ref 32/013523/OA

Dear Sir/Madam

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

Premises: Tower Point, 52 Sydney Road, Enfield EN2 6SZ

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 **21 June 2022**.

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 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 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 faithfully,

P P [REDACTED]

for Assistant Commissioner (Fire Safety)

Directorate of Operations

FSR-AdminSupport@london-fire.gov.uk

Reply to Inspecting Officer [REDACTED]

Direct T 020 8555 1200 ext: [REDACTED]/[REDACTED]

Enc: Form FS03_01b Legislation Extracts
Form FS03_06 Definitions of standard terms

Cc: [REDACTED], Comer Property Management Limited, Princess Park Manor, Royal Drive, London N11 3FL

[REDACTED]

[REDACTED]@enfield.gov.uk

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: Tower Point, 52 Sydney Road, Enfield EN2 6SZ

FILE NUMBER: 32/013523

This schedule should be read in conjunction with the Commissioner's letter dated **04 January 2022**.

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:

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> <ol style="list-style-type: none">1) An ongoing maintenance contract for the emergency backup generator had not been organised.2) The storage of combustible items within emergency escape routes and adjacent to ignition sources had not been controlled or monitored. A Christmas tree had been erected within the main reception lobby and combustible items were stored in close proximity to the backup generator.3) The management of electrical cables within basement electrical intake room and 9th floor electrical cupboard had not been effectively organised or monitored.	<p>Arrangements identified as not suitably addressed, must be effectively planned, organised, controlled, monitored, and reviewed.</p>
Article 14	<p>At the time of the audit, the emergency routes or exits were inadequate. It was found that:</p> <ol style="list-style-type: none">1) Combustible items and obstructions were being stored in emergency escape routes including a Christmas tree and decorations within the main entrance lobby.2) There were holes around pipes and cables running horizontally from utility riser	<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> <ol style="list-style-type: none">1) Ensuring that, emergency escape routes remain clear of combustible items and obstructions.2) Employing competent persons to carry out a compartmentation survey within the

<p>Article 14 continued</p>	<p>cupboards, and pink foam had been incorrectly used to fill some holes. Holes were also found in compartment walls above false ceilings in escape routes.</p> <p>3) There were gaps around the inside of door frames fitted to riser and utility cupboards.</p> <p>4) The door and hatch to the lift motor room were not fitted with intumescent strips or cold smoke seals and did not give the required 30 minute protection to the escape route.</p> <p>5) Emergency exit signage did not meet BS5499-4 as several signs were fixed to side walls which could not be seen along corridors.</p>	<p>premises, and to enter into a program of works to address identified deficiencies.</p> <p>3) Employing competent persons to carry out a compartmentation survey within the premises, and to enter into a program of works to address identified deficiencies.</p> <p>4) Ensuring that, the door and hatch to the lift motor room are fitted with intumescent strips and cold smoke seals and gives the required 30 minute protection to the escape route.</p> <p>5) Ensuring that, emergency escape route signs are visible at intersections and changes of direction in accordance with BS5499-4.</p>
<p>Article 17</p>	<p>The corridors, lobbies, and the stairs used for access to and from of the 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. 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 required rectification of defects that have arisen in, and alterations made to, the protection to the access route. The PROTECTED ROUTE has been compromised by the fitting of doors that, do not provide 30 minutes fire protection to the access route. Sampled front doors to flats P01 and 1008 did not fully self close into their frames, front doors fitted to flats G12 and G15 were standard panelled doors and standard non FR letter boxes were fitted to other flat front doors.</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. 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</p>	<p>Arrange initial and ongoing maintenance to ensure fire safety measures are kept in an</p>

	<p>maintenance was in place in your premises. It was found that:</p> <ol style="list-style-type: none"> 1) Several fire doors within the premises did not fully close into their frames, had screws missing from hinges, had damaged, or missing cold smoke seals or intumescent strips or had excessive gaps around them. 2) The emergency backup generator was not being suitably maintained. 	<p>efficient state, working order, and good repair. This can be achieved by:</p> <ol style="list-style-type: none"> 1) Carrying out a survey of all fire doors within the premises, and to enter into a program of works to address identified deficiencies. 2) Ensuring that, the emergency backup generator is maintained in an efficient working order.
Article 8	<p>At the time of the audit, the general fire precautions as identified in the significant findings of your fire risk assessment had not been implemented. It was found that:</p> <ol style="list-style-type: none"> 1) Riser cupboards, ceiling voids, under crofts, plants rooms, and the basement car park have not been surveyed by an accredited fire stopping company to assess the current fire stopping. 2) Corridor and riser cupboard fire doors have not been inspected or adjusted to ensure accordance with BS 8214:2016. 3) Fire exit signage complying with BS5499-4 has not been installed. 	<p>Implement the significant findings of your fire risk assessment. In particular, ensure that:</p> <ol style="list-style-type: none"> 1) A compartmentation survey is carried out and a program of works entered into remediate deficiencies. 2) All corridor and riser cupboard fire doors are inspected and adjusted, repaired, or replaced to ensure compliance with BS 8214:2016. 3) Emergency escape route signs are visible at intersections and changes of direction in accordance with BS5499-4.
Article 8	<p>At the time of the audit, the FIRE RESISTING separation in your premises was inadequate. It was found that:</p> <ol style="list-style-type: none"> 1) There were excessive gaps between concrete slabs in the car park which could allow heat and smoke travel to upper residential floors. 2) A UPVC door separating the basement generator room from a lift lobby, did not give the required level of separation. 	<p>Provide suitable FIRE RESISTING separation by:</p> <ol style="list-style-type: none"> 1) Filling gaps between concrete floor slabs in the car park with suitable fire stopping material. 2) Fitting a fire door to the basement generator room to give the required level of separation between this high risk area, and the lift lobby.
Article 9	<p>At the time of the audit, the fire risk assessment for your premises was not suitable and sufficient. It was found that:</p> <ol style="list-style-type: none"> 1) It had not adequately considered the potential risks to the premises from the 	<p>The fire risk assessment should be reviewed, with specific consideration given to ensuring that:</p> <ol style="list-style-type: none"> 1) A competent person makes an assessment of any potential risk that, arises from the Façade and balconies with

<p>Article 9 continued</p>	<p>cladding systems on the Façade or the wooden decking on balconies.</p> <p>2) It had not been identified that, the penthouse apartments were over 3 floors with a single access and egress on the 11th floor.</p> <p>3) Consideration had not been given to the fact that, external balconies containing combustible items were adjacent to emergency escape stairs in phase 1 of the premises.</p> <p>4) It did not identify that, the outlet from a ventilation extract system was in close proximity to residents' balconies containing combustible items.</p> <p>5) It did not identify that, a single UPVC door separated the basement generator room from a lift lobby.</p> <p>6) The Christmas tree and decorations sited in the main entrance lobby had not been subject to a risk assessment.</p> <p>7) The route and location of exhaust for the ventilation system contained within escape routes is unknown and has not been considered. The lack of dampers to prevent the travel of smoke and heat within this ventilation system has also not been identified.</p> <p>8) It had not been identified that, the door and hatch to the lift motor room were not fitted with intumescent strips or cold smoke seals and did not give the required 30 minute protection to the escape route.</p>	<p>wooden decking and includes consideration of DCLG guidance.</p> <p>2) Consideration is given to the penthouse apartments spanning 3 floors with a single access and egress on the 11th floor.</p> <p>3) Consideration is given to the risk posed by external balconies containing combustible items being adjacent to emergency escape stairs in phase 1 of the premises.</p> <p>4) The outlet from a ventilation extract system in close proximity to residents' balconies is considered.</p> <p>5) There is adequate separation between the basement generator room and the lift lobby.</p> <p>6) The Christmas tree and decorations sited in the main entrance lobby and the associated increased fire load are subject to a risk assessment.</p> <p>7) The ventilation system within escape routes is suitable and is fitted with dampers to prevent the travel of smoke and heat.</p> <p>8) The door and hatch to the lift motor room are fitted with intumescent strips and cold smoke seals and give the required 30 minutes protection to the escape route.</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.