

Freedom of Information request reference number: 6366.1

Date of response: 11 March 2022

Request and response:

I am requesting the fire safety report for Gatcombe Court, 65 Park Road, Beckenham, Kent BR31QG. carried out in December 2021.

The Directors of the Management Company are continuing to breach fire regulations and are unlikely to let me have the report.

Our Fire Safety Regulatory team confirm a Fire Safety Audit has been carried out at Gatcombe Court –

Where a Fire Safety Audit (FSA) results in a notice being issued by the LFB, the reports themselves are exempt from release under the FOIA provisions under Section 31 of the FOIA - law enforcement (Section 31(1)(g) combined with 31(2) (a) and 31(2) (c).

*A Notice of Deficiencies (NOD) was issued to the responsible person in respect of Gatcombe Court a copy of this document is attached. **FS01_08 2200497_Redacted***

Personal data has been removed from the attached document under section 40 of the FOIA – Personal Information.

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).

We are of the view that the correct balance between the public interest in building safety and our ongoing regulatory involvement lies in making information about enforcement action available (formal or informal) to those that request it, but in withholding the supporting information and evidence gathered during regulation activities.

I hope you find the information we have been able to provide of use. If you have any further questions please contact InformationAccess@london-fire.gov.uk.

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
Gatcombe Court and Highgrove Court management company Limited
Southside Property Management Services Limited
29-31 Leith Hill
Orpington, Kent
England
BR5 2RS

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

Date 07 January 2021
Our Ref 92/256652/OA

Dear Sir/Madam

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

Premises: Gatcombe Court, 65 Park Road, Beckenham BR3 1QG

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 **08 July 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,


for Assistant Commissioner (Fire Safety)

Directorate of Operations

FSR-AdminSupport@london-fire.gov.uk

Reply to Fire Safety Advisor 

Direct T 020 8555 1200 

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

Cc: Gatcombe and Highgrove Court management Company Limited, High Grove Court, 69 Park Road, Beckenham BR3 1QG



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: Gatcombe Court, 65 Park Road, Beckenham BR3 1QG

FILE NUMBER: 92/256652

This schedule should be read in conjunction with the Commissioner's letter dated **07 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	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, the combustible items stored outside flat one on the ground floor in the form of a small Christmas tree were not being suitably controlled.	Arrangements identified as not suitably addressed, must be effectively planned, organised, controlled, monitored, or reviewed.
Article 14	At the time of the audit, the emergency routes or exits were inadequate. It was found that, there was no emergency lighting provided to sufficiently illuminate the emergency escape route in the event of an emergency.	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 ensure that, suitable emergency lighting is provided throughout the premises in accordance with BS 5266.
Article 15	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, the fire action notice provided, instructed residents to evacuate the premises in the event of a fire which conflicts with the currently adopted stay put evacuation policy.	Adequate procedures for serious and imminent danger and for danger areas should be established and followed. This can be achieved by ensuring that, all fire action notices provided display the appropriate evacuation policy stay put.
Article 17	The corridors, lobbies, and the 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. 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. Flats 5, 9 and 12 were inspected and it was found that, each of	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

Article 17 continued	their front doors lacked intumescent strips and cold smoke seals and positive acting self closing devices. The PROTECTED ROUTE has been compromised by the fitting of doors that, do not provide 30 minutes fire protection to the access route.	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.
Article 8	At the time of the audit, the FIRE RESISTING separation in your premises was inadequate. It was found that, there was breaches in compartmentation within the ground floor electrical cupboard due to an electrical distribution cable running through the ceiling.	Provide suitable FIRE RESISTING separation by ensuring that, the breaches in compartmentation within the ceiling of the electrical is suitably sealed with fire proof mastic.
Article 8	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, the fire risk assessment identifies that emergency lighting is required, however, none has been provided.	Implement the significant findings of your fire risk assessment. In particular, ensure that emergency lighting is suitably installed within the emergency escape route in accordance with the fire risk assessment.
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> <p>1) All sampled flats lacked intumescent strips and cold smoke seals and positive acting self closing devices.</p> <p>2) The ground floor electrical cupboard under the stairs lacked intumescent strips and cold smoke seals and it was found to be a breach in compartmentation due to a hole in the ceiling.</p> <p>3) The fire action notice provided instructed residents to evacuate the premises in the event of a fire.</p>	<p>The fire risk assessment should be reviewed, with specific consideration given to identifying that :</p> <p>1) All flat front doors should be provided with intumescent strips, cold smoke seals, and positive acting self closing devices.</p> <p>2) A minimum of 30 minutes FIRE RESISTANCE should be provided for the emergency escape route and electrical cupboards.</p> <p>3) All fire action notices should provide instructions which reflect the appropriate evacuation policy stay put.</p>

*****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.