



The Company Secretary
Pearl & Coutts Limited
Quadrant House
Floor 6
4 Thomas More Square
London
E1W 1YW

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 29th January 2018
Our Ref 02/224414/RP

ENFORCEMENT NOTICE

Notice requiring steps to be taken under Article 30 of the
Regulatory Reform (Fire Safety) Order 2005

TO :

Name: Pearl & Coutts Limited

Address: Quadrant House, Floor 6, 4 Thomas More Square, London E1W 1YW

Concerning Premises at: 5 Great James Street, London WC1N 3DB

I Dan Daly, Assistant Commissioner (Fire Safety Regulation) on behalf of the London Fire & Emergency Planning Authority (the Authority) hereby give you notice that the Authority is of the opinion that you, as a person being under an obligation to do so, have failed to comply with the duties placed upon you by the Regulatory Reform (Fire Safety) Order 2005 (the Order) in respect of the above named premises, the relevant persons who may be on the premises or who may be affected by a fire on the premises.

The matters which, in the opinion of the Authority, constitute the failure(s) to comply with the Order are specified in the Schedule of Fire Safety Observations attached to this notice. The Authority is further of the opinion that the steps identified in the schedule to this notice must be taken to remedy the specified failure(s) and comply with the Order.

The relevant extracts of the legislation are attached.

There may be suitable alternative safety measures, to those detailed in this notice that would meet the requirements of the order. If you wish to propose or discuss any alternative measures you should contact the person named below, before you take any action, to ensure that your proposed measures will be deemed satisfactory by the Authority.

The steps must be taken by **18th June 2018** (or such extension if granted by the Authority).

Unless the steps identified in the schedule attached to this notice have been complied with, or such other steps are taken to remedy the failures in consultation with the Authority, you will be deemed not to have complied with this notice.

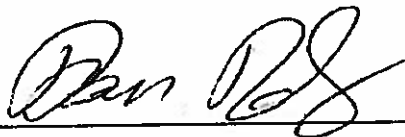
If you fail to comply with the requirements of this notice, you may have committed an offence. The Authority may consider a prosecution against you. If you are found guilty, you will be liable to a fine or imprisonment (or both).

You have the right to appeal against this notice, by way of complaint for an order, to the Clerk to the Court of the Magistrates' Court acting for the petty sessions area in which your premises is located. If you wish to bring an appeal, you must do so within 21 days of the date this notice is served on you. The Magistrates' Court Act 1980 will apply to the proceedings. The bringing of an appeal will suspend the operation of this enforcement notice. An appeal against an enforcement notice served under Article 30 of the Regulatory Reform (Fire Safety) Order 2005, may be brought on any grounds. These may include that you are aggrieved:

- a) by anything mentioned in the notice with respect to the premises concerned, or the relevant persons as defined by the Order, being a step which must be taken in order to comply with the Order; or
- b) by the period allowed by such a notice for the taking of any steps mentioned in it.

If at any time you wish to discuss the requirements of this notice, or are experiencing difficulty in carrying out the work, please contact **Inspecting Officer Kate Nicolaou**.

Signed:



Dated: 29th January 2018

Assistant Commissioner
(The Officer appointed for the purpose)

The contents of this notice are without prejudice to any requirements or recommendations that may be made by the Authority under the Petroleum (Consolidation) Regulations 2014, or either the local authority or the Health and Safety Executive under any other Act of Parliament or Regulation for which they are the enforcing authority. Approval will normally be required under the Building Regulations for any building works for which you are obliged to notify the local Building Control Officer under the Building Regulations 2010 or an Approved Inspector under the Building (Approved Inspectors etc) Regulations, 2010.

Reply to Inspecting Officer Kate Nicolaou
Direct T 020 8555 1200 ext 89171
Email FSE-adminsupport@london-fire.gov.uk

Encl: FS03_01a
FS03_01b
FS03_06

ENVIRONMENT AND SAFETY INFORMATION ACT 1988
SECTION 4 - PROTECTION OF TRADE SECRETS

The above Act requires the London Fire and Emergency Planning Authority 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 Fire Authority within a period of 14 days following the service of the notice, requesting exclusion of these details (see Section 4 of the 1988 Act).

Notes relating to Schedule of Fire Safety Audit Observations attached to this notice.

Important information to consider before taking remedial steps:

1. Words 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 Authority may visit your premises during the course of the notice, to ensure the dates within this plan are being followed.
3. Notwithstanding any consultation undertaken by the fire authority, **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 the attached 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 Authority.
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.

SCHEDULE

PREMISES: 5 Great James Street, London WC1N 3DB

File Number: 02/224414

This schedule should be read in conjunction with the Authority's Notice dated 29th January 2018.

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 9	At the time of the audit the fire risk assessment for your premises was not suitable and sufficient. It was found that the fire risk assessment has not considered adequate FIRE RESISTANCE in the protected route.	The fire risk assessment should be reviewed, with specific consideration given to ensuring the ground floor protected route is to a 60 minute FIRE RESISTING standard.
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 combustible items are being stored on the escape route in the basement and ground floor, which in the event of a fire would compromise the escape route.	Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.

<p>Article 14</p>	<p>At the time of the audit the emergency routes or exits were inadequate. It was found that:</p> <p>1) The protected escape route had inadequate FIRE RESISTANCE between commercial and residential on the ground floor. The doors separating each occupier of the ground floor are currently not 60 minute fire doors and are on the protected escape route.</p> <p>2) Electrical intake cupboard in the basement has not been enclosed in FIRE RESISTANT structure.</p> <p>3) The underside of the staircase in the basement is not adequately fire rated.</p> <p>4) Holes in the basement ceiling to allow passing of pipes and cables have not been suitably fire stopped.</p>	<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> <p>1) Ensuring the protected route on the ground floor has 60 minutes FIRE RESISTING walls and 60 minute self closing fire doors separating commercial from the protected escape route. Ensure glazing above the fire door to the rear ground floor commercial office is FIRE RESISTING to 60 minutes.</p> <p>2) The electrical intake cupboard in the basement to be enclosed in FIRE RESISTANT structure as this is positioned on the escape route.</p> <p>3) Under board the staircase in FIRE RESISTANT material to a minimum of 30 minutes standard.</p> <p>4) Holes in the basement ceiling to be suitably fire stopped.</p>
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*****RECOMMENDATIONS NOT FORMING REQUIREMENTS OF THE SCHEDULE*****

The Authority 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 Authority would urge you to consider application of the disapplication provisions under Section 20ZA of that Act.



GUIDANCE FOR RESPONSIBLE PERSONS

1. Non-statutory guidance on the Order, in the form of information for responsible persons, is available in a series of books that provide advice based on the use of your premises. The document sets out the requirements of the Order in a simple, non-prescriptive, user-friendly style and offers advice about whether the responsible person needs to do anything more than they are already doing in order to comply.
2. Although the books are primarily directed towards responsible persons, it should nevertheless be of assistance to local managers, supervisors, employees' representatives and others who need to know about fire precautions. The Home Office recommends that fire safety officers should also be familiar with its contents and take them into account when responding to requests for advice and in their discussions with employers and others about compliance with the Order.
3. The guides are available from: Fire Safety Guides, PO Box 236, Wetherby LS23 7NB, Tel: 0870 830 7099. Please quote the ISBN when ordering. They may also be downloaded free of charge from the Fire Safety Law Section of the Communities & Local Government website at www.communities.gov.uk/fire/firesafety/firesafetylaw/

LIST OF GUIDANCE PUBLICATIONS

<u>Guide</u>	<u>Use</u>
Fire safety in offices and Shops ISBN 978 1 85112 815 0	All offices and retail premises
Fire safety in factories and Warehouses ISBN 978 1 85112 816 7	All factories and warehouse storage premises
Fire safety in premises providing sleeping accommodation ISBN 978 1 85112 817 4	All places where sleeping accommodation is provided, except hospitals, care homes, places of custody and single private dwellings
Fire safety in residential care premises ISBN 978 1 85112 818 1	Suitable for all residential and nursing homes, out-posted nursing care in single private dwellings and home-based childminders
Fire safety in educational Premises ISBN 978 1 85112 819 8	Teaching establishments ranging from crèches through to universities
Fire safety in small and medium places of assembly ISBN 978 1 85112 820 4	Public houses, clubs, restaurants and cafés, village halls, community centres and libraries accommodating up to 300 people
Fire safety in large places of Assembly ISBN 978 1 85112 821 1	Suitable for premises where more than 300 people gather, eg shopping centres, large nightclubs, exhibition and conference centres, sports stadia, churches, cathedrals, museums and libraries
Fire safety in theatres and Cinemas and similar premises ISBN 978 1 85112 822 8	Suitable for all theatres and cinemas
Fire safety at open air events and venues ISBN 978 1 85112 823 5	Suitable for all open air events, eg theme parks, zoos, music concerts, sporting events, fairgrounds and county fairs

Fire safety in healthcare Premises
ISBN 978 1 85112 824 2

All healthcare premises

Fire safety in the transport premises and facilities
ISBN 978 1 85112 825 9

Suitable for all transportation terminals and interchanges, tunnels
and subsurface railways

Fire Safety in Animal Premises and Stables
ISBN 978 1 85112 884 6

Suitable for animal premises, stables, livery yards and stables
within zoos, large animal sanctuaries or farm parks

Means of Escape for Disabled People
ISBN 978 1 85112 874 7

Supplements other guides and gives advice on accessibility and
means of escape



Definitions of standard terms used in means of escape requirements

Fire Resisting

1. FIRE RESISTING means construction capable of resisting the action of fire for not less than thirty minutes under the prescribed conditions of test appropriate to such construction in accordance with the provisions of the current British Standard 476 and that:

- a) whatsoever is so designated gives effective separation between those parts of the premises on each side of it;
- b) where the word 'enclosed' is used in connection with this term, the room, escape route or other space so described is completely enclosed with walls, ceilings and floors of FIRE RESISTING construction except for that part of the enclosure consisting of a roof, external wall, or the lowest floor of a building;
- c) where the construction consists of or incorporates a door, the door together with its frame complies with Table A below; and the door
 - i) is effectively self closing by means of an automatic self closing device and the device is to conform to BS EN 1154. As an alternative, where the door is to a duct, shaft or cupboard, it may be locked shut and provided with a notice to this effect;
 - ii) is free from any means of holding the door in an open position except, where permitted an electro-magnetic or electro-mechanical door holder device. BS 7273-4 is the applicable document with regard to these devices.
 - iii) is close fitting to both the frame and, where there are two leaves, between the leaves;
 - iv) is hung on hinges no part of which is made either of combustible material or of non-combustible material having a melting point less than 800°C;
 - v) is permanently marked 'Fire door keep shut' in a conspicuous position except whether the door is to a bedroom or to or within a dwelling (including a flat or maisonette);
 - vi) is imperforate except for the minimum perforations necessary for the fitting of locks and door furniture;

d) where the construction incorporates glazing, in addition to comply with this definition, the glazing is in a frame fixed shut.

2. Where existing ceilings, soffits, walls, partitions, floors and doorsets are not already FIRE RESISTING and are required to be made FIRE RESISTING the following constructions will be accepted as complying with the definition:

a) CEILINGS AND SOFFITS

The ceilings and soffits covered with lath and plaster in good condition, or with plasterboard or FIRE PROTECTIVE BOARDING with sheets closely butted together and securely nailed or screwed to joints/nogging pieces, as appropriate.

b) WALLS AND PARTITIONS

All perforations and gaps sealed with FIRE RESISTING construction. Partitions made flush with timber or FIRE PROTECTIVE BOARDING and covered with plasterboard, or FIRE PROTECTIVE BOARDING butted together, securely nailed or screwed in position.

c) DOORSETS

See Table B below.

Notes:

- i) Protection to partitions, ceilings and doors shall be on the risk side, e.g. on the side remote from an escape route, or, in the case of a screen separating an escape route from the lower part of the building, on the side exposed to the lower part of the building. Where a lobby or screen is not carried up to the main ceiling and a false ceiling is provided to complete the separation, it may be necessary to protect the upper surface of the ceiling construction.
- ii) Where the risk is on both sides, the construction shall be protected on both sides.

Fire Protective Boarding

3. Attention is drawn to the desirability of effectively sealing the exposed surface of FIRE PROTECTIVE BOARDING by paint or other suitable



methods and protecting exposed edges against damage.

Non Combustible Material

4. NON COMBUSTIBLE MATERIAL means material which satisfies the test for non combustibility prescribed in the current British Standard 476: Part 4 and is deemed to include plasterboard.

Protected Route

5. PROTECTED ROUTE means a route enclosed with FIRE RESISTING construction and which complies with the following conditions.

- a) service, ventilating and other similar ducts or shafts which pass into or out of the enclosure are FIRE RESISTING within the enclosure;
- b) cupboards are enclosed with FIRE RESISTING construction (except where premises are provided with a single staircase only, in which case cupboards are not accepted and must be taken out of use and sealed with FIRE RESISTING construction on the inside);
- c) no combustible storage is allowed other than in cupboards described in (b) above;
- d) stairs and landings are provided with handrails and are adequately guarded on any open side;
- e) sufficient and suitable artificial lighting is provided for the purpose of means of escape; and
- f) the linings have a surface spread of flame classification not inferior to 'Class 0' when tested in accordance with the provisions of the current British Standard 476: Part 7.

Note:

Lavatories and sanitary accommodation which are neither cloakrooms nor contain gas or portable heating appliances other than water heaters and incinerators may be contained within a PROTECTED ROUTE.

Inherently Non-Flammable Material

6. INHERENTLY NON-FLAMMABLE MATERIAL means material which, although non non-combustible and not submitted to a flame-proofing process nor

provided with a flame resistant finish is, in fact, non-flammable throughout its thickness.

The standard for fabrics is 'flameproof' when tested in accordance with the provisions of the current British Standard.

The standard for material other than fabrics is 'Class 1' surface spread of flame when tested in accordance with the provisions of the current British Standard 476: Part 7.

Durably Flame Proofed Fabric

7. DURABLY FLAME PROOFED FABRIC means flame-proofed fabric which after being submitted to a washing treatment remains flame-proof as determined by the method of test prescribed in the current British Standard.

Table A - Minimum requires for Construction and materials of doorsets capable of resisting the action of fire for a period of thirty minutes

1. Doors, including frames, are to be tested and installed in accordance with the current British Standard 476: Part 22 (and BS 476: Section 31.1 where the 'S' specification requires smoke stopping) or BS EN 1634 and are to be certified as being capable of resisting the action of fire for a period of not less than thirty minutes as regards the passage of flame (integrity). There are no requirements as to stability or insulation for doorsets. Doors which met the requirements for resisting the action of fire in the British Standard in force at the time the door was manufactured may be accepted.

2. Doors which open into a corridor or lobby with enclosures capable of resisting the action of fire for a period of not less than thirty minutes may open in two directions provided a maximum clearance of 3mm is achieved at the meeting edges.

Any door capable of being opened in both directions shall be fitted with a vision panel of clear fire resisting glazing.

3. Glazing fixed shut may be incorporated in a door if it is capable of resisting the action of fire in accordance with the current British Standard 476: Part 22. Glazing should be fixed either;

- a) in timber frames with wood or metal beads or with a glazing compound in conjunction with



springs or clips in panels not exceeding 0.4m² in area; or

- b) in metal frames with metal beads in panels not exceeding 1.2m² in area, all metal having a melting point not lower than 900°C;

The area of glazing shall also satisfy the provisions of any requirements in the accompanying schedule.

Table B - Upgrading existing doorsets to achieve a fire resisting standard of thirty minutes

1. In general, the upgrading of existing doorsets to achieve a standard of fire resistance of thirty minutes is not recommended except in the case of historic buildings. It is preferable that new doorsets are installed.

2. If a doorset is to be upgraded, a test report will be required confirming that the door and frame are capable of resisting the action of fire for not less than thirty minutes when tested in accordance with the current British Standard 476: Part 22 (and BS 476: Section 31.1 when the 'S' specification requires smoke stopping).

Cupboard doors required to be fire resisting

3. Cupboard doors of standard size shall be replaced with new doors capable of resisting the action of fire for not less than thirty minutes when tested in accordance with the current British Standard 476: Part 22 (and BS 476: Section 31.1 when the 'S' specification requires smoke stopping).

4. For cupboard doors of less than standard size, a suitable fire resisting door shall be cut to size and fitted with an intumescent strip channelled into the top, hinge and closing edges to resist fire when tested in accordance with the current British Standard 476: Part 22.