

My Reference: 235026902/SC LFR0106

Andreas Russo
6 Colwick Road
Nottingham
NG2 4BU

Sent via email to info@areton-ltd.com

8 November 2024

REGULATORY REFORM (FIRE SAFETY) ORDER 2005
PREMISES: 63 CANWICK ROAD, LINCOLN, LN5 8HE

The Lincolnshire Fire and Rescue Authority are the enforcing authority, under Article 25 of the above legislation.

Following a fire safety audit of the above premises on 29 October 2024. I confirm that the matters and steps specified on the attached Schedule need to be carried out to remedy your failure to comply with the above legislation.

The attached Enforcement Notice is a legal requirement to which you have a right of appeal to a Magistrates' Court. Your attention is drawn to the notes that accompany this Notice.

Should any requirement or recommendation within this report, require structural changes or significant expenditure then you are advised to take professional advice before proceeding.

If you are in any doubt as to the obligations placed upon you, or there is any relevant matter upon which you require clarification, you may write to me direct, or alternatively contact me by telephone on the number below.

Yours sincerely



Sarah Cocker
Fire Safety Inspector
Lincolnshire Fire and Rescue

Email: fire.safety@lincolnshire.gov.uk
Phone: 01522 553868

Enclosed:

Enforcement Notice

Schedule to Accompany Enforcement Notice

Notes to Accompany Enforcement Notice

Standard Terms and Definitions

UPRN: 235026902

LINCOLNSHIRE FIRE AND RESCUE

ENFORCEMENT NOTICE

**NOTICE REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF
THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

Name: ANDREAS RUSSO

Premises: 63 CANWICK ROAD, LINCOLN, LN5 8HE

I, Sarah Cocker, on behalf of the Lincolnshire Fire and Rescue Authority, hereby give you notice that the Fire and Rescue Authority are of the opinion that, as a person being under an obligation to do so, you have failed to comply with the requirements placed upon you by The Regulatory Reform (Fire Safety) Order 2005 in respect of the above named premises and the persons who may be on the premises or who may be affected by a fire on the premises.

The provisions of the Regulatory Reform (Fire Safety) Order 2005 which have not been complied with are:

Article 8 - Duty to take General Fire Precautions

Article 9 - Risk Assessment

Article 11 - Fire Safety Arrangements

Article 13 – Firefighting and Fire detection

Article 14 - Emergency Routes and Exits

Article 17 – Maintenance

Article 21A - Provision of information to residents of domestic premises

The matters which, in the opinion of the Fire and Rescue Authority, result in the failure to comply with the aforementioned provisions of the Regulatory Reform (Fire Safety) Order 2005 are specified in the Schedule to this Notice.

The Fire and Rescue Authority are further of the opinion that the steps identified in the schedule to this notice must be taken to remedy the specified failures to comply with The Regulatory Reform (Fire Safety) Order 2005.

Unless the steps identified in the Schedule to this Notice have been complied with by the dates indicated in the schedule you will be regarded as not being compliant with this notice and the Fire and Rescue Authority may consider a prosecution against you. You may, however, apply for an extension to this time limit. (See Notes).

You have the right to appeal against this Notice (See Notes), 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' Courts Act 1980 will apply to the proceedings. The bringing of an appeal shall have the effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn.

Signed:  Date: **8 November 2024**

(On behalf of and duly authorised by the Fire and Rescue Authority)

**SCHEDULE REFERRED TO IN THE ENFORCEMENT NOTICE REQUIRING STEPS TO BE TAKEN UNDER
ARTICLE 30 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005 ISSUED BY THE
LINCOLNSHIRE FIRE AND RESCUE AUTHORITY ON 8 NOVEMBER 2024**

Name and Address of Premises: **63 CANWICK ROAD, LINCOLN, LN5 8HE**

UPRN: **235026902**

Where appropriate, a plan may form part of this Schedule to illustrate the steps which, in the opinion of the Fire and Rescue Authority, need to be taken in order to comply with The Regulatory Reform (Fire Safety) Order 2005.

Note: Notwithstanding any consultation undertaken by the Fire and Rescue Authority, **before** you make any alterations to the premises, **you** may need to apply for approval from either the Local Authority Building Control or an Approved Inspector and/or the approval of any other bodies having a statutory interest in the workplace.

SCHEDULE

The details of matters which are considered to be failures to comply with The Regulatory Reform (Fire Safety) Order 2005 and The Fire Safety (England) Regulations 2022 and where relevant their location are detailed below followed by the steps considered necessary to remedy the failures.

References to guides quoted in the specification of work stated below refer to the LACoRS Communities and Local Government Risk Assessment Guide for Sleeping Accommodation and Housing.

Duty to take General Fire Precautions

DEFICIENCY - Article 8(1) (b)

You have failed to take 'general fire precautions' to ensure the safety of persons who are not your employees, '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.

Steps Required

Consider the following areas and implement suitable measures to resolve:

1. **All electrical installations should be regularly inspected by a competent electrical engineer appointed by you, or on your behalf, in accordance with the Electricity at Work Regulations 1989 (EAW Regulations). The use of low voltage equipment should conform to the requirements of the Electrical Equipment (Safety) Regulations 1994, including the requirement to be CE marked. The EICR appears to be for a domestic installation as it states 10 years inspection period. An inspection every five years is recommended for all types of premises and is a legal requirement.**

Fire Safety Risk Assessment Guide Reference

Section 32.11

Date to be completed by 3 January 2025

Risk Assessment

DEFICIENCY - Article 9(1)

For the purposes of identifying the measures required in order to comply with Article 9 (1) of the Regulatory Reform (Fire Safety) Order 2005, the 'Responsible Person' must carry out a suitable and sufficient fire risk assessment. Where five or more people are employed, the premises are licensed or an alterations notice requiring it is in force, then the significant findings of the fire risk assessment, the actions to be taken as a result of the assessment and details of anyone especially at risk must be recorded.

- **A fire safety risk assessment has not been carried out.**

Steps Required

Conduct a suitable and sufficient fire safety risk assessment.

Information on how to carry out a fire risk assessment has been published by HM Government in the form of a series of Fire Safety Risk Assessment Guides for different uses of premises. They are available for free download at <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-risk-assessments> or can be purchased at bookshops. If the 'Responsible Person' does not have the necessary experience or expertise to do this, one or more competent persons must be appointed to assist. Where there is a competent person in the Responsible Person's employment, that person must be appointed in preference to a person not familiar with the business.

Fire Safety Risk Assessment Guide Reference

Section A.55

Date to be completed by 3 January 2025

Fire Safety Arrangements

DEFICIENCY - Article 11(1) & (2)

- **An emergency plan has not been prepared.**

Steps Required

The responsible person (the licensee, landlord or managing agent) has a duty to ensure that the day-to-day management of fire safety in the premises is properly undertaken and that essential routine maintenance and emergency repairs are properly carried out. This is not only common sense and good practice, but also an obligation in law for those premises to which The Management of Houses in Multiple Occupation Regulations 2006 and the FSO apply

Fire Safety Risk Assessment Guide Reference

Section 32

Date to be completed by 3 January 2025

Fire-Fighting Equipment

DEFICIENCY - Article 13(3) (a)

Measures for fire-fighting in the premises are inadequate to protect 'relevant persons' from the risk of fire.

- **No fire-fighting equipment is provided ie. Extinguishers or fire blankets**

Steps Required

Consideration should be given to providing fire-fighting equipment to protect 'relevant persons' from the risk of fire posed by:

In order to provide a facility for extinguishing small fires in their early stages, a simple multi-purpose extinguisher is recommended on each floor in the common parts of HMOs and buildings containing flats. It will not usually be practical to train tenants in the use of these, but basic advice should be offered at the start of each new tenancy.

Fire Safety Risk Assessment Guide Reference

Section 25

Date to be completed by 3 January 2025

Emergency Routes and Exits

DEFICIENCY - Article 14(1)

In the event of danger, it must be possible for persons to evacuate the premises as quickly and safely as possible. The escape routes did not meet this requirement because a 30 minute protected route is required. The protected route should be maintained free of any obstructions and/or fire risks.

1. **There are fridge freezers plugged in on the escape route.**
2. **The electric distribution board is located on the escape route.**
3. **The external escape route is obstructed by bins and rubbish**

Steps Required

1. Corridors and stairways that form part of escape routes should be kept clear and hazard free at all times. Items that may be a source of fuel or pose an ignition risk should not normally be located on any corridor or stairway that will be used as an escape route.

It is noted that these items were removed immediately after the visit

2. Electric meters or distribution boards should not be located on escape routes. If this is unavoidable, they should be enclosed in fire resisting construction.

3. External escape routes should receive routine inspection and maintenance to ensure they remain suitable for use. ***It is noted that this area was cleared immediately after the visit***

Fire Safety Risk Assessment Guide Reference

Sections 9, 15, 21 and 32.4.

Date to be completed by 3 January 2025

Maintenance

DEFICIENCY - Article 17(1)

The premises and any facilities, equipment and devices provided in respect of Article 4 of this Order must be subject to a suitable system of maintenance; maintained in an efficient state; in efficient working order and in good repair. Details of this activity should be recorded.

1. **The fire alarm system is inadequately maintained.**
2. **The emergency lighting is inadequately maintained.**

Steps Required

1. **Fire alarm**

The control and indicating equipment should be checked at least every 24 hours to ensure there are no specific faults.

All types of fire warning systems should be tested once a week. For electrical systems a manual call point should be activated (using a different call point for each test), usually by inserting a dedicated test key. This will check that the control equipment is capable of receiving a signal and in turn, activating the warning alarms. Manual call points may be numbered to ensure they are sequentially tested.

Six monthly servicing and preventive maintenance should be carried out by a competent person with specialist knowledge of fire warning and automatic detection systems. This task is normally fulfilled by entering into a service contract with a specialist fire alarm company.

Further guidance on testing and maintenance of fire warning systems can be found in BS5839-1 or BS5839-6. Your documentation should be available for inspection by representatives of the enforcing authority.

2. Emergency lighting

Daily - Indicators of central power supply should be visually inspected for correct operation.

Monthly – Simulate power failure to normal lighting for a period sufficient to ensure that each lamp is illuminated. During this period, all luminaires and signs shall be checked to ensure that they are present, clean and functioning correctly. At the end of this test period, the supply to the normal lighting should be restored and any indicator lamp or device checked to ensure that it is showing that the normal supply has been restored.

Annually - As for the monthly check, but for the full rated duration of the emergency lights (normally 3 hours for this type of premise, further details if required are available from BS 5266-1). Because of the possibility of the failure of normal lighting occurring shortly after this test, then wherever possible this test should be performed while the building is empty, at times of minimal risk or alternate luminaires tested at any one time so that the building has a charged luminaire next to the unit under test. These precautions are needed because the emergency lighting system is not fully functional until the batteries have had time to recharge following their discharge.

Depending on your type of installation you should be able to carry out most of the routine tests yourself. The test method will vary. If you are not sure how to carry out these tests you should contact your supplier or other competent person. Your documentation should be available for inspection by representatives of the enforcing authority.

Fire Safety Risk Assessment Guide Reference

Section 8, Appendix A and Appendix B of the Sleeping Accommodation Guide

Date to be completed by 3 January 2025

Maintenance

DEFICIENCY - Article 17(1)

The premises and any facilities, equipment and devices which are required by Article 4 of this Order must be subject to a suitable system of maintenance; must be maintained in an efficient state; in efficient working order and in good repair. Details of this activity should be recorded.

Whilst a comprehensive survey was not conducted, the following structural fire precautions are inadequately maintained:

- **Some fire resisting doors are missing combined intumescent cold smoke seals**
- **Some fire resisting doors have excessive gaps**

Steps Required

The issues mentioned above must be suitably addressed.

Ensure regular inspection, maintenance and repair of any damage to fire resisting doors by a competent person. Effective fire-resisting doors are vital to ensure that the occupants can evacuate to a place of safety. Correctly specified and well-fitted doors will hold back fire and smoke preventing escape routes becoming unusable, as well as preventing the fire spreading from one area to another. Any necessary adjustment and repairs should be made in accordance with BS 8214.

Fire Safety Risk Assessment Guide Reference

Sections 19 and 21

Date to be completed by 3 January 2025

Provision of information to residents of domestic premises

DEFICIENCY – Article 21A

- **Relevant information has not been shared with tenants.**

Steps Required

RPs of a building containing two or more sets of domestic premises are to provide residents with relevant fire safety information in a format that is easily understood by the residents, including:

- any risks to residents identified in the fire risk assessment
- the fire safety measures provided for the safety of any or all occupants (such as the means of escape, the measures to restrict the spread of fire and what people should do in the event of a fire)
- the name and UK address of the Responsible Person
- the identity of any person appointed to assist with making or reviewing the fire risk assessment
- the identity of any competent person nominated by the Responsible Person to implement firefighting measures
- any risks to relevant persons throughout the building that have been identified by other Responsible Persons in the building

Fire Safety Risk Assessment Guide Reference

REGULATION 9

Date to be completed by 3 January 2025

NOTES TO ACCOMPANY ENFORCEMENT NOTICE

SERVED UNDER ARTICLE 30 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

- 1 Application to premises. The Regulatory Reform (Fire Safety) Order 2005, subject to paragraphs 6 (1) (a) to (g) below, applies to any premises.
- 2 The Order does not apply in relation to (Article (a) to (g)) -
 - 6 (1)(a) Domestic premises;

Note: Where the premises are, or consist of, a house in multiple occupation this Order applies in relation to those parts of the premises which are not domestic premises;
 - 6 (1)(b) An offshore installation within the meaning of regulation 3 of the Offshore Installation and Pipeline Works (Management and Administration) Regulations 1995;
 - 6 (1)(c) A ship, in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;
 - 6 (1)(d) Fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings;
 - 6 (1)(e) An aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 or a vehicle exempted from duty under that Act;
 - 6 (1)(f) A mine within the meaning of section 180 of the Mines and Quarries Act 1954, other than any building on the surface at a mine;
 - 6 (1)(g) A borehole site to which the Borehole Sites and Regulations 1995 apply.
- 3 You may appeal (under Article 35 of the Order) against an enforcement notice served (under Article 30 of the Order). The appeal must be made within 21 days from the day on which the notice is served, to the Magistrates' Court for the area in which your premises is situated and may be brought on the grounds that you think that:
 - (a) The service of an Enforcement Notice was based on an error of fact
 - (b) The service of the Enforcement Notice was wrong in law
 - (c) The Fire and Rescue Authority erred in the exercise of their discretion in serving the Enforcement Notice

Without prejudice to the breadth of the grounds of appeal set out in paragraphs (a) to (c) above, examples of situations in which an appeal may lie are where,

- (a) You dispute any of the facts in the Notice which detail the steps which have to be taken in order to comply with any provision of the Order.
- (b) You think that an unreasonable time period has been set for the taking of the steps set out in the notice.

In addition to your right of appeal to a Magistrates' Court, Article 36 of the Fire Safety Order provides for a determination of disputes by the Secretary of State in certain circumstances. This process applies only where:

- (1) The responsible persons accepts that a failure to comply with any provision of the Order exists,
- (2) The areas of dispute relate only to the measures necessary to remedy that failure, and
- (3) Both you and the Fire and Rescue Authority agree to refer the dispute to the Secretary of State

Should you wish to consider this approach you should contact the Officer referred to above within fourteen days from the day on which the notice is served on you.

- 4 The Fire and Rescue Authority may grant, at their discretion, an extension (or further extension) of time specified for the steps to be taken if an appeal against the Notice is not pending. Application for an extension of time should be addressed to: The Chief Officer, (Fire Safety Enforcement), Lincolnshire Fire and Rescue, Churchill Avenue, Skegness, PE25 2RN.
- 5 Failure to comply with any requirement imposed by an Enforcement Notice served under Article 30 of the Order within the time specified in the Notice (or such further time as the Fire and Rescue Authority may, at their discretion, grant) is a criminal offence under Article 32(1)(d) of the Order. A person guilty of such an offence shall be liable,
 - (a) On summary conviction to a fine not exceeding the statutory maximum;Or;
 - (b) On conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.
- 6 In any proceedings for an offence referred to above, where the commission by any person of an offence under the Order, is due to the act or default of some other person, that person is guilty of the offence, and a person may be charged with and convicted of the offence whether or not proceedings are taken against the first mentioned person.
- 7 Nothing in the Order operates so as to afford an employer a defence in any criminal proceedings for a contravention of those provisions by reason of any act or default of an employee or person nominated to implement measures for firefighting and procedures for serious and imminent danger and for danger areas, and appointed to assist him/her in undertaking such preventive and protective measures as necessary.

- 8 Subject to Note 7, in any proceedings for an offence under the Order, except for a failure to comply with articles 8(1) (Duty to take general fire precautions) or 12 (Elimination or reduction of risks from dangerous substances), it is a defence for the person charged to prove that he/she took all reasonable precautions and exercised due diligence to avoid the commission of such an offence.
- 9 If you are the responsible person you are under an obligation to comply with the provisions of the Order or of any regulations made under it. If you have failed to comply and you and the Fire and Rescue Authority cannot agree on the measures which are necessary to remedy the failure(s). Under article 36 of the Order you and the Fire and Rescue Authority may agree to refer the question, as to what measures are necessary to remedy the failure(s), to the Secretary of State for a determination.
- 10 It should be noted that, in order to satisfy the "Environment and Safety Information Act 1988" the Fire and Rescue Authority is obliged to enter details of any Enforcement Notice into a register to which the public have access. If you feel that any such entry would disclose secret or confidential trade or manufacturing information, then you should appeal in writing to the Authority within a period of fourteen days following the service of the Notice.
- 11 To assist with administration procedures, it would be helpful if you could quote the UPRN reference (at the top of the notice) when dealing with the Fire and Rescue Authority.

STANDARD TERMS AND DEFINITIONS

FIRE RESISTING (FIRE RESISTANCE): The ability of a component or construction of a building to satisfy, for a stated period of time, some or all of the appropriate criteria specified in the relevant British Standard.

INTUMESCENT STRIPS: A strip of material placed along the door edges (excluding the bottom edge), or frame, that will react to heat by expanding to form a seal to the passage of hot gases and flame.

SMOKE SEAL: A flexible strip of material (often used in conjunction with an intumescent strip) placed along the door edges or frame to limit the spread of cold smoke during the early stages of a fire.

SELF-CLOSING DEVICE: A device which is capable of closing the door from any angle and against any latch fitted to the door. Rising butt hinges are not acceptable.

AUTOMATIC DOOR RELEASE: A device, linked to (or operated by the sound of) the fire alarm system, that when fitted to a fire resisting self closing door, enables it to be held open during normal working conditions.

EMERGENCY ESCAPE LIGHTING: That part of the emergency lighting system provided for use when the electricity supply to the normal lighting fails so as to ensure that the means of escape can be safely and effectively used at all times.

RISK ASSESSMENT: An organised appraisal of your activities and premises to enable you to identify potential fire hazards, and to decide who (including employees and visitors) might be in danger in the event of fire, and their location. You will then evaluate the risks arising from the hazards and decide whether the existing fire precautions are adequate, or whether more needs to be done. It will be necessary for you to record your findings (if you have five or more employees), and to review and revise when necessary).