

Crown Premises Fire Inspection Group



Date: 20th October 2016

<REDACTED>
Carillion Services
Carillion plc
By e-mail <REDACTED>

Crown Premises Fire Inspection Group
Fire and Resilience Directorate
2nd Floor NW Fry Building
2 Marsham Street
London
SW1P 4DF

Our Ref:
3724/023/01

Please reply to: cpfig@homeoffice.gsi.gov.uk

Dear <REDACTED>

The Regulatory Reform (Fire Safety) Order 2005 (the Order)

Premises: HMP Rochester, Fort Road, Rochester, ME1 3QS

The Crown Premises Fire Inspection Group is the enforcing authority under Article 25 of the above legislation.

I am writing to you as a person responsible under the above Order for ensuring that persons are adequately safeguarded in case of fire at the above premises.

Following an inspection at the above premises on 12th & 13th October 2016, the Inspector is of the opinion that you have failed to comply with the Regulatory Reform (Fire Safety) Order 2005 (the Order), and considers that formal action is required to achieve compliance. I enclose an Enforcement Notice issued under Article 30, which requires you to take adequate steps to remedy these failings within the above premises, as set out in the schedule.

In the event that a long-term solution cannot be implemented immediately, you will need to introduce interim measures to reduce the level of risk whilst longer-term measures are being prepared.

Successful approaches to assessing and managing risk can be provided by accepted guidance, BS9999: 2008 or fire engineering calculations. Each of these requires the involvement of a person with comprehensive training or experience.

In the Inspector's opinion, completion of the proposed remedial steps detailed in the schedule will achieve a satisfactory minimum standard of fire safety in the premises. Alternative ways of achieving an equivalent standard may be available and any request for the Inspector to consider alternative proposals should be submitted as a matter of urgency. Additional time is unlikely to be allowed for completion of any alternative proposals unless such requests are received promptly.

You should seek the approval of relevant persons (e.g. freeholder) and relevant authorities (e.g. Building Control, Licensing Authority, etc.) prior to carrying out any works on the building.

Under Article 35 of the Order, you have the right to appeal against the terms of this Notice to the Magistrates Court. Your attention is drawn to the notes that accompany this Notice.

Notwithstanding compliance with the attached Notice, the Chief Fire and Rescue Adviser may still consider further legal action for identified breaches of the Order, and therefore compliance with this Notice will not prejudice our right to take such further action.

A copy of this letter has been sent to those identified at the foot of this letter who may also be responsible for the safety of persons in case of fire.

If you do not understand the steps you must take, you can contact me using the address or telephone number above. This will not have the effect of suspending the Notice or extending the time for you to comply.

If you do not feel that you are responsible under the Order or if you believe that the contents of the schedule are incorrect, and that you do not need to take action in respect of any matter, then you should send your written reasons to the Chief Fire and Rescue Adviser at the above address within 28 days of the date of this letter.

Under Article 35 of the Order, you may also appeal to the court within 21 days from the day on which this notice was served. This will have the effect of suspending the Notice whilst the court deals with your appeal.

Yours faithfully

<REDACTED>

CC - <REDACTED>
CC - <REDACTED>
CC - <REDACTED>

For Information:

CC - <REDACTED>
CC - <REDACTED>
CC - <REDACTED>
CC - <REDACTED>
CC - <REDACTED>
CC - <REDACTED>
CC - <REDACTED>



CROWN PREMISES FIRE INSPECTION GROUP

ENFORCEMENT NOTICE

Notice No.

CPFIG/009/EN/2016

Crown Premises Fire Inspection Group, Fire and Resilience Directorate, Home Office, 2nd Floor NW Fry Building,
2 Marsham Street, London SW1P 4DF

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

Name of Premises: **HMP Rochester**
Address of Premises: **Fort Road, Rochester, ME1 3QS**
Responsible Person: <REDACTED>

I, <REDACTED>, on behalf of Crown Premises Fire Inspection Group, hereby give you notice that I am 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 matters which, in the opinion of the Crown Premises Fire Inspection Group, constitute the failure(s) to comply with the Regulatory Reform (Fire Safety) Order 2005 are specified in the Schedule to this Notice.

The Crown Premises Fire Inspection Group is further of the opinion that the steps identified in the Schedule to this Notice must be taken to remedy the specified failure(s) to comply with the Regulatory Reform (Fire Safety) Order 2005.

The steps identified in the Schedule are to be completed by the dates indicated.

Unless the steps identified in the Schedule to this Notice have been completed within the given time limit, you will be deemed not to have complied with this Notice and the Crown Premises Fire Inspection Group 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 the 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, until the withdrawal of the appeal.

Signature

Date: 20th October 2016

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO CPFIG/009/EN/2016
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY
REFORM (FIRE SAFETY) ORDER 2005 ISSUED BY CROWN PREMISES FIRE
INSPECTION GROUP ON 20th October 2016**

Name of Premises: HMP Rochester

Address of Premises: Fort Road, Rochester, ME1 3QS

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

Note: Notwithstanding any consultation undertaken by the Crown Premises Fire Inspection Group, **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 local bodies having a statutory interest in the premises.

| Means to secure that cells can be evacuated safely | | | |
|---|--|---|--------------------------------------|
| Relevant article of the Order | Specific Failure to Comply with the Order | Steps considered necessary to remedy the failure to comply, including an illustrative example of a compliant measure | Steps to be completed by Date |
| Articles 4(1)(c), 7(6), 8 & 14 | 1. Appropriate self-closing devices were not fitted to the fire resisting sub-compartment doors provided to ensure the effectiveness of the zonal mechanical smoke control systems and to protect escape routes, placing prison staff and prisoners at risk. | 1. Appropriate self-closing devices must be fitted to the hold-open fire-resistant sub-compartment doors, so that they are automatically released and close fully on operation of the fire alarm in order to ensure the effective performance of zonal mechanical smoke control systems and protect means of escape routes. | 1 month from the date of this notice |

| Maintenance of fire safety measures | | | |
|--|--|---|--------------------------------------|
| Relevant article of the Order | Specific Failure to Comply with the Order | Steps considered necessary to remedy the failure to comply, including an illustrative example of a compliant measure | Steps to be completed by Date |
| Articles 4(1)(d), 7(6), 8 & 17 | 1. The fire detectors provided to safeguard prison staff and prisoners from fire are not subject to a suitable system of maintenance so that prison staff can receive and act upon adequate early warning of fire in every cell. | 1. Arrangements must be implemented to ensure that all fire detectors are subject to a suitable system of testing and maintenance, and maintained in an efficient state, in efficient working order and in good repair. | 1 month from the date of this notice |

| Fire Safety Management | | | |
|---|---|--|--------------------------------------|
| <i>Relevant article of the Order</i> | <i>Specific Failure to Comply with the Order</i> | <i>Steps considered necessary to remedy the failure to comply, including an illustrative example of a compliant measure</i> | <i>Date Required</i> |
| Article 22 | 1. The person with control of maintenance has not established suitable co-operation and co-ordination with other responsible persons. | 1. Effective arrangements should be implemented to ensure that, where planned preventive maintenance checks establish that fire safety facilities, equipment and devices are not in effective working order, this information is communicated effectively to responsible persons and other persons with control of the premises. | 1 month from the date of this notice |

**NOTES TO ACCOMPANY ENFORCEMENT NOTICE
SERVED UNDER ARTICLE 30 OF THE
REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

1. Contravention of any requirement imposed by an Enforcement Notice is an offence under Article 32 of the Regulatory Reform (Fire Safety) Order 2005 and renders the offender liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to an unlimited fine, or imprisonment for a term not exceeding two years, or both.
2. In any proceedings for an offence referred to in Note 1, 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.
3. 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 fire-fighting 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.
4. Subject to Note 3, in any proceedings for an offence under the Order, except for a failure to comply with articles 8(a) (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.
5. In any proceedings for an offence under the Order consisting of a failure to comply with a duty or requirement so far as is reasonably practicable, it is for

the accused to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

6. A person on whom an Enforcement Notice is served may under Article 35 of the Order appeal to the Magistrates' Court within 21 days from the date on which the Enforcement Notice was served. The bringing of an appeal has the effect of suspending the operation of the Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.
7. The Crown Premises Fire Inspection Group 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 above named Officer.
8. 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 Crown Premises Fire Inspection Group cannot agree on the measures that are necessary to remedy the failure(s), the question may be referred to the Secretary of State for his determination under Article 36 of the Order.
9. To satisfy the 'Environment and Safety Information Act 1988' the Crown Premises Fire Inspection Group is obliged to enter details of this 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; a) the day on which the appeal period in Note 6 above expires, or b) the day on which the appeal is finally disposed of, where an appeal is brought.

The Public Register can be accessed via the internet at <http://www.cfoa.org.uk/notices-register> and this actual notice may be viewed by clicking on the link shown in the table above.

10. The works or actions specified in the Notice are only intended to ensure a satisfactory standard of fire precautions that will comply with the Order. The Notice is issued without prejudice to any other enforcement action that may be taken by this, or any other, enforcing authority.
11. The Crown Premises Fire Inspection Group would be willing to consider and reasonably assist with any proposals you may have to remedy the matters specified in the Notice.
12. To assist with administration procedures, it would be helpful if you could quote the reference number (at the top of this Notice) when dealing with the Crown Premises Fire Inspection Group.