

OFFICIAL



APPENDIX 1

Our Ref: A0101432 ET

Date: 05 July 2022

Chief Fire Officer  
Ian Hayton

The Empire  
28 Corporation Road  
Middlesbrough  
TS1 2RT

**When telephoning ask for:**  
Eilish Thornton  
Tel: 07894613689  
Email: ethornton@clevelandfire.gov.uk

Dear Sir

**THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005  
NOTIFICATION OF FIRE SAFETY DEFICIENCIES  
28 CORPORATION ROAD MIDDLESBROUGH TS1 2RT**

Following an audit of the fire safety arrangements at the above premises on 30<sup>th</sup> June 2022, I confirm that the measures contained in the attached schedule are to be carried out to comply with the above legislation.

You should note that failure to comply with any requirement of the legislation is an offence and the person responsible is liable to prosecution. This letter and attached schedule are issued without prejudice to any legal action which may subsequently be taken regarding the failures to comply with the Legislation.

A further visit will be made on or after Tuesday 4<sup>th</sup> October 2022 to ensure that the requirements of the schedule have been carried out.

If you are in any doubt as to the obligations placed upon you by the legislation, or if there is any relevant matter upon which you require clarification, you may write to me direct, or alternatively telephone your enquiry to the inspector named above.

**Cleveland Fire Brigade**

Training & Administration Hub, Endeavour House, Queens Meadow Business Park, Hartlepool TS25 5TH

01429 872311

[info@clevelandfire.gov.uk](mailto:info@clevelandfire.gov.uk)

[www.clevelandfire.gov.uk](http://www.clevelandfire.gov.uk)



## **Fire and Rescue Services Act 2004**

Cleveland Fire Brigade has changed the way we respond to Automatic Fire Alarms (AFA) which have not been caused by a fire. The introduction of the cost recovery policy follows extensive public consultation and was introduced 1 April 2021.

The authority will provide the following response to AFA's:-

1. For premises that do not provide sleeping accommodation.

Cleveland Fire Brigade will not attend AFA's, unless a backup call is received from the premises via the 999 system, confirming there is a fire.

2. Special Risk (COMAH, High Hazard) will receive a single appliance to investigate the cause of the alarm as per Operational Procedure Note 16.

3. AFA's from ARC's

If the call received via an ARC, they will need to confirm that wither the premises provides sleeping accommodation, or no persons are present on the premises to investigate the cause of the alarm prior to control mobilising a single appliance.

4. Domestic premises are exempt from the strategy
5. On occasions where more than once device has actuated i.e. a 'Double Knock' then this will be treated as a confirmed fire and the full PDA dispatched.

There is no requirement for any Fire and Rescue Service to respond to calls originating from an AFA system. It is the responsibility of the organisation to ensure they have an appropriate management system in place for actions to be taken as a result of the fire warning system actuating.

Legislation introduced in February 2012 amended the Fire and Rescue Services Act 2004 allowing authorities in England to levy a charge in certain circumstances:

- There is a report of a fire.
- The premises are not domestic premises.
- The report is false.
- The report is made as a direct or indirect result of warning equipment having malfunctioned or been miss-installed.
- There is a persistent problem.

Cleveland Fire Authority has determined that a persistent problem is when premises reach more than four occurrences in a rolling twelve months. This applies to commercial premises and other premises regulated by the Fire Safety Order. The levy will be applied on the fifth AFA incident resulting in an UWFS in a rolling 12 month period. We will request the charge from the responsible person for the premises.

Once a premise has become chargeable all further attendance will generate a charge until the number of attendance reduces to less than five within a 12 month period

Further details of this procedure can be found at

<http://www.clevelandfire.gov.uk/safety/business-safety/fire-alarms/>

Please assist us to improve the service we provide in completing our Fire Safety Survey by visiting the following site <https://www.surveymonkey.co.uk/r/VMNWDJH>

Yours faithfully

A handwritten signature in black ink, appearing to read 'S. Thompson'. The signature is stylized with a large, looped 'S' and a cursive 'Thompson'.

for Chief Fire Officer

Enc: Schedule of work

<b>CLEVELAND FIRE BRIGADE THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005</b>		<b>File Ref: A0101432</b>
<b>SCHEDULE OF WORK</b>		
<b>Name and Address of Premises:</b>  The Empire 28 Corporation Road Middlesbrough TS1 2RT		
<b>Inspector:</b>  E Thornton	<b>Date of Inspection:</b>  30 <sup>th</sup> June 2022	

## **Specification of Work Required**

### **ARTICLE 8 – DUTY TO TAKE GENERAL FIRE PRECAUTIONS**

To assist crews dealing with operational incidents, it is recommended that a zone plan of the whole building and fire warning system is displayed adjacent to the fire alarm panel.

At the time of the audit, a zone plan of the 1<sup>st</sup> and 2<sup>nd</sup> floor was displayed in a cupboard opposite the fire panel. This should show all floors and in the event of an emergency, a designated staff member should make crews aware of the zone plans location.

At the time of the audit, it was identified that there were multiple compartmentation breaches in the basement.

This should be rectified by using approved fire stopping materials and installed in accordance with the manufacturer's instructions or a relevant standard. It is recommended that a full survey, by a third party accredited company, is completed of the entire premises to identify any further breaches in compartmentation.

### **ARTICLE 9 - FIRE SAFETY RISK ASSESSMENT**

A suitable and sufficient fire safety risk assessment should be undertaken by a competent person and be made available on the premises for inspection. As soon as practicable after the fire safety risk assessment is made or reviewed, the information must be recorded where:

- five or more persons are employed;
- a license under an enactment is in force in relation to the premises; or
- an alterations notice requiring this is in force in relation to the premises.

The fire safety risk assessment should be reviewed regularly (recommended annually by Cleveland Fire Brigade) so as to keep it up to date and particularly if there is a reason to

suspect that it is no longer valid; or there has been a significant change in the matters to which it relates.

At the time of the audit, the current fire risk assessment was deemed not suitable and sufficient. Enclosed is some guidance to assist you in choosing a competent fire risk assessor.

#### **ARTICLE 14 - EMERGENCY ROUTES AND EXITS**

At the time of the audit, it was identified that the emergency signage from the balcony area required improvement.

Emergency escape routes and exits must be indicated by signs. Suitable and sufficient signage indicating all emergency routes and exits is to be provided in accordance with the current British or European test standard.

In order to safeguard the safety of relevant persons, the responsible person must ensure that all routes leading to emergency exits from the premises are to be kept and maintained clear at all times and available for use when required.

At the time of the audit, it was identified that magnetic locking devices and green manual override boxes had been fitted to final exit doors. This is not a suitable as it would prevent relevant persons from escaping quickly in an emergency. As discussed previously it is recommended that the magnetic locking devices on the emergency exit doors are linked to the fire warning system, so that in the event of the fire alarm actuating the magnetic locking devices release.

#### **ARTICLE 15 - PROCEDURES FOR SERIOUS AND IMMINENT DANGER AND FOR DANGER AREAS**

At the time of the audit, it was identified evacuation drills were not suitable and sufficient. All staff should be included in drills and should be trained to confidently usher all relevant persons out of the building in an emergency.

The responsible person must ensure that policies and procedures are in place for evacuation of the premises in cases of serious and imminent danger. It should be possible under normal operating conditions to evacuate any given protected area in 2 1/2 minutes using the staff present to assist relevant persons, where necessary.

Suitable and sufficient fire drills should be conducted at appropriate intervals, it is best practice to record all evacuation drills. Enclosed is a logbook to assist you.

#### **ARTICLE 17 – MAINTENANCE**

The fire detection and warning system is to be suitably and sufficiently maintained in an efficient state, in efficient working order and in good repair. Testing of the system should be carried out by a competent person. Further guidance on testing and maintenance of fire warning systems can be found in the attached guidance. It is good practice to record all tests, false alarms and any maintenance carried out.

The emergency lighting is to be suitably and sufficiently maintained in an efficient state, in efficient working order and in good repair. Typically, testing would include; a daily visual check of any central controls, a monthly function test by operating the test facility for a period sufficient to ensure that each emergency lamp illuminates, and an annual full discharge test.

At the time of the audit, the required regular testing was taking place however not all emergency lighting and fire detectors were being tested in external and inhouse maintenance and service tests.

Additionally, the annual service certificate was unavailable for inspection at the time of the audit.

The audit identified multiple defective fire doors, issues included: worn or missing intumescent strips and cold smoke seals. removed self-closers, holes in fire doors, doors not fitting flush into frames. Attention should particularly be shown to the doors in the basement.

All defects should be assessed and maintained or replaced by a competent person at the earliest opportunity. A suitable system should be implemented to identify, report and remedy issues found with fire doors.

## **ARTICLE 21 – TRAINING**

At the time of the audit, it was identified the staff training was not suitable, sufficient or appropriate for the premises.

The responsible person must ensure that employees are provided with adequate fire safety training when first employed or on being exposed to new or increased risks. The safety training provided should:

- Include suitable and sufficient instruction and fire safety training
- Be repeated periodically
- Be adapted to take account of any new or changed risks
- Be provided appropriate to the risk identified by the fire safety risk assessment.
- Be delivered during working hours.

It is best practice to record all staff training. Enclosed is a logbook to assist you.