



11 AUG 2009

The Company Secretary  
Mainstay Group Limited  
Whittington Hall  
Whittington Road  
Worcester  
WR5 2ZX

Our Ref: RC 51-06392-M3 EN01  
Your Ref:

Date: 06 August 2009

Contact: Watch Manager R Coleman  
Tel: 07887826703  
E-mail: firesafety@southwales-fire.gov.uk

Dear Sir,

**THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005  
APARTMENTS BUILDING, LANDMARK PLACE, CARDIFF, SOUTH WALES.**

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

Following a fire safety audit of the above premises by one of my inspectors on 16 July 2009, 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 Numbered EN18/09, 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.

If you are in any doubt as to the obligations placed upon you, or you require clarification on any relevant matter, please contact the inspecting officer named above.

Would you please sign the enclosed form acknowledging receipt and return in the envelope provided.

Yours faithfully

**Duly signed and authorised by**

Signed *S. A. Rossiter* Print Name Group Manager Steve Rossiter

for Deputy Chief Fire Officer

Enc: Enforcement Notice  
Schedule to Enforcement Notice  
Notes and Standard Terms and Definitions  
Acknowledgement Form & Stamped Addressed Envelope

South Wales Fire and Rescue Service Headquarters,  
Forest View Business Park, Llantrisant, Pontyclun, CF72 8LX.

Telephone 01443 232000 • Fax 01443 232180  
www.southwales-fire.gov.uk

Pencadlys Gwasanaeth Tân ac Achub De Cymru,  
Parc Busnes Forest View, Llantrisant, Pont-y-clun, CF72 8LX.

Ffôn 01443 232000 • Ffacs 01443 232180  
www.decymru-tan.gov.uk

We welcome correspondence in Welsh or English

**RAISING AWARENESS - REDUCING RISK**

Croesawn ohebiaeth yn y Gymraeg neu Saesneg

**CODI YMWYBYDDIAETH - LLEIHAU PERYGL**

**Enforcement Notice Number EN18/09**

**SOUTH WALES FIRE AND RESCUE SERVICE  
ENFORCEMENT NOTICE**

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

**Name: Mainstay Group Limited .**

**Premises: Apartments Building, Landmark Place, Cardiff, South Wales.**

**Address: Churchill Way, Cardiff , South Wales.**

**I, Group Manager S Rossiter on behalf of South Wales Fire & Rescue Service, Forest View Business Park, Llantrisant, Pontyclun CF72 8LX, Telephone 01443 232000, 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:-

**SEE ATTACHED SCHEDULE**

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 failure(s) to comply with The Regulatory Reform (Fire Safety) Order 2005.

Unless the steps identified in the Schedule to this notice have been complied with within 180 days from the date of this notice, you will be regarded as not being in compliance 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, until the withdrawal of the appeal.

Date ..... 6<sup>th</sup> August 2009 .....

Signed ..... *S.A. Rossie* .....  
(On behalf of and duly authorised by the Fire and Rescue Authority)

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO EN18/09  
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY  
REFORM (FIRE SAFETY) ORDER 2005 ISSUED BY THE SOUTH WALES FIRE  
AND RESCUE AUTHORITY ON 04 AUGUST 2009**

**Name and Address of Premises:**

Apartment Building Landmark Place, Churchill Way, Cardiff, South Wales.

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 **premises**.

The location and details of matters which are considered to be failures to comply with The Regulatory Reform (Fire Safety) Order 2005 and the steps considered necessary to remedy the failures are detailed in the Schedule below.

## **SCHEDULE**

### **1. Article 9 Fire Risk Assessment**

#### **1.1 The Fire Safety Risk Assessment is not suitable and sufficient.**

1.1.1 Carry out a suitable and sufficient assessment of the risks to which relevant persons are exposed in order to identify the general fire precautions that need to be taken to comply with the requirements and prohibitions imposed by or under this Order.

1.1.2 The significant findings of the Fire Risk Assessment, including the measures that have been or are to be taken, are to be recorded.

### 1.1.3 A "significant finding" is: -

- A feature of the premises, from which the fire hazards and persons at risk are identified.
- The Actions the responsible person has taken or will take to remove or reduce the chance of fire occurring or the spread of fire and smoke.
- The Action people need to take in case of fire.
- The necessary information, instruction and training needed and how it will be given.

## 2. **Article 11 Section 1 Fire Safety Arrangements**

### 2.1 **An effective emergency evacuation plan has not been implemented.**

- 2.1.1 The responsible person should devise a suitable emergency evacuation plan for all people likely to be in the premises, including disabled people, and how that plan will be implemented.

The evacuation plan should not rely upon the intervention of the fire and rescue service to make it work.

## 3 **Article 13 Section 1 Firefighting and Fire Detection**

### 3.1 **The design of the fire detection system is inappropriate to the risk.**

- 3.1.1 The fire alarm has recorded numerous faults in your premises. All faults should be investigated to identify the cause of the problem and remedial action taken.
- 3.1.2 The annual fire engineers report recommends an upgrade in the design of the fire alarm system by the installation of fire link system within the car park area.

## 4. **Article 14 Emergency Routes and Exits**

### 4.1 **Safe Unobstructed Exit Routes**

- 4.1.1 All stairways, passageways and corridors forming part of the means of escape are to be kept free from obstruction and storage of any combustible furniture or material.

### 4.2 **Emergency Lighting**

- 4.2.1 During the inspection a large number of luminaries were found to be inoperative.

- 4.2.2 The annual emergency lighting engineers report states that a great number of emergency lighting units failed the annual test and need replacing, these faults were first reported in 2006. Immediate action is required to ensure these faults are rectified.

## **5. Article 17 Maintenance**

### **5.1 The automatic fire alarm and firefighting equipment is inadequately maintained.**

- 5.1.1 The existing fire alarm system should be tested in accordance with the relevant standard it was installed to, ensuring satisfactory operation and audibility of the system. It is recommended that the results of the test are recorded in a suitable logbook.

- 5.1.2 Building Regulations and local Acts may require fire fighting equipment and other facilities to be provided for the safety of people in the building and to assist fire fighters. Fire safety law places a duty on the 'responsible person' to maintain such facilities in efficient working order and in good repair.

These may include:

- Access for fire appliances, aerial appliances and fire fighters
- Fire fighting shafts and Fire fighting lifts
- Fire suppression systems, e.g. sprinklers, water mist and gaseous
- Smoke-control systems
- Dry or wet rising mains and fire fighting inlets
- Information and communication arrangements, e.g. wireless systems and information to brief the fire and rescue service when they arrive
- Fire fighters' switches
- Hydrants and other water supplies
- Automatic opening vents.
- Foam inlets

Any existing equipment, devices or facilities that are provided in the premises for the safety of people, such as fire alarms, fire extinguishers, lighting, signs, fire exits and fire doors should be kept in effective working order and maintain any fire separating elements and prevention of smoke into escape routes.

## **6 Article 19 Provision of Information to Employees**

- 6.1 **Comprehensible and relevant information on risks identified by the Fire Risk Assessment has not been provided.**

6.1.2 Employees must be provided with comprehensible and relevant information on the risks to them identified by the Fire Risk assessment.

## **7 Article 21 Fire Safety Training**

**7.1 Employees are not provided with adequate fire safety training in order to safeguard themselves and other persons on the premises.**

7.1.1 All staff should be provided with adequate fire safety training by a competent person. The type of training should be based on the particular features of the premises and should:

- Take account of the findings of the risk assessment;
- Explain the emergency procedures;
- Take account of the work activity and explain the duties and responsibilities of staff;
- Take place during normal working hours and be repeated periodically where appropriate;
- Be easily understandable by staff and other people who may be present; and
- Be tested by fire drills

7.1.2 All residents should be given information and instruction on evacuation procedures and what they should do in the event of a fire.

**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 -
  - (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;
  - (b) an offshore installation within the meaning of regulation 3 of the Offshore Installation and Pipeline Works (Management and Administration) Regulations 1995;
  - (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;
  - (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;
  - (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;
  - (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, and
  - (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 is 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, and
  - (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 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.
- 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 Fire Officer, South Wales Fire & Rescue Service Headquarters, Forest View Business Park, Llantrisant, Pontyclun CF72 8LX.
- 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(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 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.

- 8 Subject to Note 9, 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 reference number (at the top of this 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.

**FIRE 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.

**Acknowledgement**

**SOUTH WALES FIRE & RESCUE SERVICE**

**TO :** Chief Fire Officer  
South Wales Fire & Rescue  
Service Headquarters  
Forest View Business Park  
Llantrisant  
PONTYCLUN CF72 8LX

**Premises Name** Apartment building, Landmark place

**Address** Churchill way, Cardiff

**File Number** 51-06392-M3

I hereby acknowledge receipt of your letter dated \_\_\_\_\_  
enclosing Enforcement Notice Numbered EN18/09 under the Regulatory  
Reform (Fire Safety) Order 2005

**SIGNED:** .....

**DESIGNATION:** .....

**DATE:** .....