

## Crown Premises Fire Inspection Group



Date: 20<sup>th</sup> October 2016

<REDACTED>  
Estates Directorate  
Ministry of Justice

By e-mail to: <REDACTED>

Dear <REDACTED>

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

**Our Ref:  
3724/023/01**

**Please reply to: <REDACTED>  
[@homeoffice.gsi.gov.uk](mailto:@homeoffice.gsi.gov.uk)**

### **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.

The Order binds the Crown, except for the enforcement and prosecution provisions. The absence of formal enforcement powers does not, therefore, allow those managing Crown premises to adopt a lower standard of safety than applies to other buildings.

Following an inspection at the above premises on 12<sup>th</sup> & 13<sup>th</sup> October 2016, I am of the opinion that you have failed to comply with the Regulatory Reform (Fire Safety) Order 2005 (the Order), and consider that formal action is required to achieve compliance. These were outlined to Governor Carmichael at the time, and are set out in the attached schedule.

If the enforcement provisions in the Order applied to you, such is the seriousness of the deficiencies at the premises that you would be served with an Enforcement Notice under Article 30 of the Order. This would require you to take timely steps to comply with the Order, and you would face prosecution if you failed to do so.

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.

Fire safety measures are largely interactive, and fire risks can be controlled in many ways. In the Inspector's opinion, completion of the proposed remedial steps detailed in the schedule are essential to achieving 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.

A copy of this letter has been sent to <REDACTED> 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.

It is our policy to place this letter on a public register of notices, in line with the requirement placed on enforcing authorities under the Environment and Safety Information Act 1988 to act transparently.

Yours sincerely

<REDACTED>

**Crown Premises Fire Inspection Group  
Office of the Chief Fire & Rescue Adviser**

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

## CROWN ENFORCEMENT NOTICE NO. CPFIG/007/2016

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

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

Date of Issue: 20<sup>th</sup> October 2016

This schedule should be read in conjunction with the CFRA letter dated 20<sup>th</sup> October 2016

### Schedule

<b>Maintenance of Fire Precautions</b>			
<b><i>Relevant article of the Order</i></b>	<b><i>Specific Failure to Comply with the Order</i></b>	<b><i>Steps considered necessary to remedy the failure to comply, including an illustrative example of a compliant measure</i></b>	<b><i>Steps to be completed by Date</i></b>
Articles 4(1)(d), 7(6), 8 & 17	1. The responsible person within MoJ Projects has not ensured that the fire detectors provided to safeguard prison staff and prisoners from fire are subject to a suitable system of maintenance: <b>The omission of final commissioning and certification from the project to install fire detectors on the upper site has created a contractual block to the proper maintenance of the fire detectors, resulting in a failure to ensure that the fire detectors are maintained in an efficient state, in efficient working order and in good repair.</b>	1. Arrangements must be implemented to ensure that all the fire detectors installed within the project to install automatic fire detection at the upper site are subject to a suitable system of testing and maintenance, and maintained in an efficient state, in efficient working order and in good repair.	Three months from the date of this schedule

  

<b>Co-operation between responsible persons</b>			
<b><i>Relevant article of the Order</i></b>	<b><i>Specific Failure to Comply with the Order</i></b>	<b><i>Steps considered necessary to remedy the failure to comply, including an illustrative example of a compliant measure</i></b>	<b><i>Steps to be completed by Date</i></b>
Articles 7(6), 8 & 22	1. The responsible person for MoJ Projects has not ensured that there is inadequate co-operation between responsible persons: <b>The failure to co-operate with other responsible persons over the contractual blockages to the proper maintenance of the fire detectors installed at the upper site of the premises has prevented other responsible persons from complying with the requirements placed upon them under Articles 4, 7(6), 13 and 17 of the Order.</b>	1. Adequate co-operation must be provided to ensure that the proper maintenance of the fire detectors installed at the upper site can be undertaken.	Three months from the date of this schedule