

LONDON FIRE AND EMERGENCY PLANNING AUTHORITY

STATEMENT OF WITNESS (Criminal Justice Act 1967, Section 9, Magistrates' Court Act 1980, Section 102; Magistrates' Courts Rules 1984, Rule 70)

STATEMENT OF WITNESS

Statement of: Nigel Haines Bedford

Age if under 18 (if over 18 insert "over 18"): Over 18

Profession or Occupation of Witness: Fire Safety Inspecting Officer

Address: 169 Union Street London SE1 0LL

This statement consisting of 3 page(s), signed by me, is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature of Witness: [REDACTED]

Signature Witnessed by: [REDACTED]

Dated: 14/12/15

1. I NIGEL HAINES BEDFORD am a Fire Safety Inspecting Officer for the London Fire Brigade, I am attached to the North East Fire Safety team. I was previously employed as an operational Fire fighter and served at a variety of stations over a twenty three year period, in a variety of job roles. I re joined the London Fire Brigade in 2007 when I started my current placement as a fire safety inspecting officer.
2. I have been on numerous training courses and am currently trained to level four Fire Safety by the Fire Protection Association. I also attained a Bon Solon - Level 7 B Tec in Investigation techniques in 2015.
3. I received notification from our Peak activity team manager MALCOLM BOWDEN that a premises called CARAVAGGIO of 107-112 LEADENHALL STREET LONDON EC3A 4DP was now the subject of a license review hearing on the 4th January 2016 due to a serious incident that took place recently.
4. I checked our files and noted that the premises had been subject of enforcement action by the LONDON FIRE BRIGADE in 2012 at the time the majority of the enforcement notice was based on poor management.
5. I asked our administration department to open a fire safety audit job for me and I carried out the fire safety audit along with both my Station Manager PAUL EASTLAND and my watch manager Duncan New.
6. I had concerns for public safety due to poor levels of management, I noted the following problems when carrying out the fire safety audit which have now been sent to the owner as an enforcement notice.

Signature [REDACTED]

Signature Witnessed by : [REDACTED]

Continuation statement of Nigel Bedford

7. The Fire risk assessment was found to not be suitable and sufficient – although considered in the past it was not available on the day of audit No evidence that the original fire risk assessment has been reviewed could be produced .

8. The preventative and protective measures in place in the premises had not been reviewed or maintained . The fire alarm system was noted to be in fire mode with two fires indicated on the alarm panel and an earth fault showing. This system was untested and no certification was available .The fire alarm system is designed to give early warning to occupants to allow them to escape the building before suffering death or serious injury. In this instance we were unsure if the alarm would have worked had a fire occurred in the premises.

9. Some of the emergency lighting has been replaced but some of the emergency lighting was found to be defective with no power indication lights working and a case around the light was falling apart. The emergency lighting is to provide customers with a small amount of light and to illuminate the nearest fire exit in an emergency

10. An emergency fire exit door located at first floor mezzanine level by a washing up and coffee area had been removed with out being risk assessed .

11. The fire door had been providing two door protection to the staircase which is lobbied on all floors except the top floor as the building is over 18m in height.

12. No maintenance program was in place for the premises , the second fire door leading from this wash up and coffee area at mezzanine level in the public area was shut tight and had to be kicked open by the owner to get out of this area. (the Dumb waiters were also in this area which have a direct link to the kitchen in the basement area) Had a fire occurred in the premises and customers and staff needed to evacuate the failure of this door could have led to the death or serious injury of persons in the premises or caused panic due to persons being unable to open the escape route exit door.

13. A similar fire door which leads out the building from a kitchen staff area was found to be broken with string attached to a weight on the door , the handle was missing and the door did not shut correctly. Outside this door the area was being used as a smoking area (cigarettes were found in this area with the storage of flammable waste materials paper and rubbish in close proximity. Any fire in the outside area would spread quickly in to the restaurant as the fire door was not functioning.

14. In the exit route from the premises by the front door a large safe had been left in the escape route with a table cloth over it ,this could not be moved on the day due to the weight of the safe. This would have restricted the escape route of persons attempting to escape via the front door of the premises. Any persons attempting to leave via the front door in an emergency may have had a serious injury trying to negotiate the safe in the escape route.

15. I asked the front receptionist on how she would react if a fire occurred and how would she raise the alarm and I was informed that she did not know, she stated that she would rely on the duty manager .

16. Any delay in raising the alarm or calling the fire service may lead to the death or serious injury of the occupants of the premises .

17. I asked the head Chef the same question and he was able to demonstrate how he would isolate the kitchen gas and electric supply in the event of an emergency.

18. I discussed the fire risk assessment with the owner who said that he would need time to get all the management paperwcrk in order and develop plans .

Signature

[Redacted Signature]

Signature Witnessed by :

[Redacted Signature]

Continuation statement of Nigel Bedford

19. No emergency plan has been developed for the premises

20. I informed the owner that I would be issuing an enforcement notice on the premises .

21. I discussed time limits with the owner and it was agreed that I would allow ten weeks to get all the paperwork and records up to date as well as carry out a review of the fire risk assessment. The owner informed me that he would be away from next week until the new year and that he may need to upgrade the fire alarm system additionally, the Christmas holiday may delay the works .

Signature



Signature Witnessed by :





The Company Secretary
Roc Restaurants Limited
9-11 Bow Churchyard
London
EC4M 9DQ

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 14 December 2015
Our Ref 00/011614/PDB

ENFORCEMENT NOTICE

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

TO :

Name: **Roc Restaurants Limited**

Address: **9-11 Bow Churchyard, London EC4M 9DQ**

Concerning Premises at: **Caravaggio, 107-112 Leadenhall Street, London EC3A 4DP**

I Neil Orbell, Assistant Commissioner (Fire Safety Regulation) on behalf of the London Fire & Emergency Planning Authority (the Authority) hereby give you notice that the Authority is of the opinion that you, as a person being under an obligation to do so, have failed to comply with the duties placed upon you by the Regulatory Reform (Fire Safety) Order 2005 (the Order) in respect of the above named premises, the relevant 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 Authority, constitute the failure to comply with the Order are specified in the schedule attached to this notice.

The relevant extracts of the legislation are attached.

The Authority is further of the opinion that the steps identified in the schedule to this notice must be taken to remedy the specified failure to comply with the Order.

Unless the steps identified in the schedule attached to this notice have been complied with, or such other steps are taken to remedy the failures in consultation with the Authority, you will be deemed not to have complied with this notice.

There may be suitable alternative safety measures, to those detailed in this notice that would meet the requirements of the order. If you wish to propose or discuss any alternative measures you should contact the person named below, before you take any action, to ensure that your proposed measures will be deemed satisfactory by the Authority.

The steps must be taken by **22 February 2016** (or such extension if granted by the Authority).

If you fail to comply with the requirements of this notice, you may have committed an offence. The Authority may consider a prosecution against you. If you are found guilty, you will be liable to a fine or imprisonment (or both).

You have the right to appeal against this notice, 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' Court Act 1980 will apply to the proceedings. The bringing of an appeal will suspend the operation of this enforcement notice. An appeal against an enforcement notice served under Article 30 of the Regulatory Reform (Fire Safety) Order 2005, may be brought on any grounds. These may include that you are aggrieved:

- a) by anything mentioned in the notice with respect to the premises concerned, or the relevant persons as defined by the Order, being a step which must be taken in order to comply with the Order; or
- b) by the period allowed by such a notice for the taking of any steps mentioned in it.

If at any time you wish to discuss the requirements of this notice, or are experiencing difficulty in carrying out the work, please contact **Inspecting Officer Nigel Bedford**.

Signed:



Assistant Commissioner
(The Officer appointed for the purpose)

Dated: **14 December 2015**

The contents of this notice are without prejudice to any requirements or recommendations that may be made by the Authority under the Petroleum (Consolidation) Regulations 2014, or either the local authority or the Health and Safety Executive under any other Act of Parliament or Regulation for which they are the enforcing authority. Approval will normally be required under the Building Regulations for any building works for which you are obliged to notify the local Building Control Officer under the Building Regulations 2010 or an Approved Inspector under the Building (Approved Inspectors etc) Regulations, 2010.

Encl: FS03_01a
FS03_01b
FS03_06

Cc: City of London, Licensing Department, Guildhall, PO Box 270, London EC2P 2EJ

Cc: Piero Quaradeghanini, Caravaggio, 107-112 Leadenhall Street, London EC3A 4DP

Reply to Nigel Bedford
Direct T 0208 555 1200 Ext 35653
FSR-AdminSupport@london-fire.gov.uk

Notes:

**ENVIRONMENT AND SAFETY INFORMATION ACT 1988
SECTION 4 - PROTECTION OF TRADE SECRETS**

The above Act requires the London Fire and Emergency Planning Authority to maintain public registers of notices issued under Article 30 of the Regulatory Reform (Fire Safety) Order 2005, (other than those which impose requirements or prohibitions solely for the protection of persons at work) and Sections 21 and 22 of the Health and Safety at Work etc, Act 1974.

Provisions are made within the Act for persons on whom the above notices are served to appeal against any proposed entry in the register which may disclose "trade secrets" or "secret manufacturing processes".

Entries in the register are required to be made after the period for appeal against the notice expires or after any appeal is disposed of.

If you feel that any such entry would disclose information about a trade secret or secret manufacturing process you may write to the Fire Authority within a period of 14 days following the service of the notice, requesting exclusion of these details (see Section 4 of the 1988 Act).

SCHEDULE

Schedule referred to in the enforcement notice reference **00/011614/PDB** under the Regulatory Reform (Fire Safety) Order 2005, issued by the London Fire and Emergency Planning Authority on **14 December 2015**.

Certain terms written in BLOCK CAPITALS in this schedule are standard terms defined in "**Definitions of standard terms used in means of escape requirements**" which form part of this schedule. Where appropriate, a plan may form part of this Schedule to illustrate the steps which, in the opinion of the fire authority, need to be taken in order to comply with the Order.

NOTE : Notwithstanding any consultation undertaken by the fire authority, **before** you make any alterations to the premises, **you** must apply for local authority building control department approval (and/or the approval of any other bodies having a statutory interest in the premises) if their permission is required for those alterations to be made.

Article	Location and detail of matters which are considered to be failures to comply with the Order	Steps considered necessary to remedy the failures
Article 9(1)	At the time of the audit the fire risk assessment for your premises was not suitable and sufficient. It was found that the maintenance of the fire alarm system which is very old had not been carried out as faults and fires were being shown on the alarm panel.	The fire risk assessment should be reviewed, with specific consideration given reviewing the protective and preventative measures in the premises.
Article 10	At the time of the audit the risk reduction and prevention principles of the Order had not been applied in the correct sequence. It was found that: Where issues requiring remedial works have been identified, there is no coherent plan for implementation.	Apply the principles of prevention contained in Schedule 1 Part 3 of the Order in the priority set out in that schedule. In particular maintain the protective measures in the premises.

Article 11	At the time of the audit your preventative and protective measures had not been planned, organised, controlled monitored or reviewed where required. It was found that the fire alarm system was in fault mode and showing a fire. Some of the emergency lighting was not working and a fire door had been removed without reviewing the fire risk assessment.	Arrangements identified as not suitably addressed must be effectively planned, organised, controlled, monitored or reviewed.
Article 17(1)	At the time of the audit you had not ensured that a suitable system of maintenance was in place in your premises. It was found that the fire alarm was in fault and fire mode. The emergency lighting by the wash up areas was defective. The fire doors require maintenance to allow its opening in an emergency. The fire door off the kitchen should be repaired to protect the means of escape route.	Arrange initial and on-going maintenance to ensure fire safety measures are kept in an efficient state, working order and good repair. This can be achieved by arranging a maintenance program for the fire alarm system , emergency lighting and the fire doors.
Article 19	At the time of the audit you had not provided your employees with clear and relevant information. It was found that no relevant information had been passed to employees.	Provide your employees with information. This can be achieved by developing an emergency plan and informing staff of the risks in the premises.
Article 21	At the time of the audit your employees had not been provided with adequate safety training. It was found that staff had very little knowledge of what to do in a fire situation.	Provide your staff with adequate safety training. In particular what to do in the event of discovering a fire , how to raise the alarm , or how to respond to the alarm activation.
Article 14	At the time of the audit the emergency routes or exits were inadequate. It was found that staff were smoking outside the fire exit from the basement where the means of escape are hindered by flammable waste materials stored there.	Ensure adequate emergency routes and exits, for use by relevant persons in the premises, are available and can be safely and effectively used at all relevant times. This can be achieved by managing the escape routes ensuring they are available at all times , not blocked and smoking is banned in the area outside the kitchen area.
Article 14	At the time of the audit the emergency routes or exits were inadequate. It was found that an old safe was being stored inside the front door of the premises on an escape route.	Ensure adequate emergency routes and exits, for use by relevant persons in the premises, are available and can be safely and effectively used at all relevant times. This can be achieved by removing the old safe from the entrance lobby area.

Article 8	At the time of the audit the general fire precautions as identified in the significant findings of your fire risk assessment had not been implemented. It was found that the fire alarm was in fault mode and showing two fires. Staff had not received the appropriate training .	Implement the significant findings of your fire risk assessment, in particular carry out routine maintenance of the fire alarm system and instruct and train staff for fire safety evacuation and what to do in the event of a fire.
Article 15(1)	At the time of the audit your procedures to be followed in the event of serious and imminent danger were inadequate. It was found that no emergency plan was in place, the only member of staff that was aware of any procedure was the kitchen manager who was questioned and prompted for a response.	Adequate procedures for serious and imminent danger and for danger areas should be established and followed. This can be achieved by developing and recording an emergency plan for the premises.