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Form FSD025

THE LICENSING ACT 2003 SECTION 5(3) CONSULTATION

LICENSING REFERENCE NO:	159218	FOR ATTN:	LICENSING
PLANS NO:	NEW Premises Club 124 LTD PLAN.pdf		
DATE RECEIVED:	14/07/2021		
PREMISES ADDRESS:	Club 124 Ltd, 140 Queensway Bletchley, MK2 2RS		
OUR REF (FILE NO):	M2055-A	FSEC Cat:	L

SECTION A – THIS AUTHORITY DOES WISH TO MAKE “RELEVANT REPRESENTATION” UNDER THE FOLLOWING SECTION OF THE ABOVE ACT

- Application for a premises licence under section 17
- Application for a premises licence under section 18(6) and 18(6)b
- Variation of a premises licence under section 34 and or section 35(5) or 36(6)
- Application for a club premises certificate under section 72(3)
- Application for variation of a club premises certificate under section 85(3)

GROUND FORS FOR “RELEVANT REPRESENTATION” ARE:

Public safety – insufficient detection and warning in the event of a fire (no working fire alarm) covering the premises. Means of escape are also poorly maintained. Both of these factors put relevant persons at risk of death or serious injury.

A Prohibition Notice has been issued under Article 31 of the Regulatory Reform (Fire Safety) Order 2005 for the first and second floor of the premises – the Responsible Person for The Agora Centre must provide and install a fire alarm that complies with BS 5839-1:2017. An Enforcement Notice is also due to be issued under Article 30.

NOTES:

A fire risk assessment must be completed by the Responsible Person in accordance with the Regulatory Reform (Fire Safety) Order 2005.

Signature & Role of Officer: Inspecting Officer Dylan Bettles-Hill **Date:** 03/08/2021

Correspondence Address: Milton Keynes Fire Safety
 Broughton Fire Station
 Childs Way
 Milton Keynes Village
 Bucks MK10 9AP

Telephone number: 01908 266416

Email: dbettleshill@mkfrs.gov.uk



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Milton Keynes Fire Safety
Broughton Fire Station
Childs Way
Broughton
Milton Keynes
MK10 9AP

~~Mr Edward [redacted]~~
~~[redacted]~~
~~5 [redacted] George Street~~
Luton
LU1 2RD

Date: 13/08/2021
Our Ref: MKFS/M2055-A/DBH
Tel No: 01908 236412
Please ask for: Dylan Bettles-Hill
Email: ~~d.bettles.hill@buckfire.gov.uk~~

URGENT – ACTION REQUIRED

Dear ~~Mr [redacted]~~,

Enforcement Notice
The Regulatory Reform (Fire Safety) Order 2005: Article 30
Premises: AGORA CENTRE, 140A QUEENSWAY, BLETCHLEY, MK2 2AA

An authorised inspector visited your premises on Thursday 22 July 2021 and evaluated the fire safety provided. The Buckinghamshire Fire & Rescue Authority is of the opinion that you have failed to comply with a provision / provisions of the Regulatory Reform (Fire Safety) Order 2005 because people were unsafe in case of fire. The schedule to this Notice further explains the provision(s), with which you have not complied. The serving of this Notice dated Friday, 13 August 2021 and number 16/2021/30 is necessary to ensure that you adequately protect people in case of fire. This authority has to make sure that you provide safety. The attached schedule sets out what you must do.

Timescale for Completion

You are required to take steps to remedy the matters in the schedule by **Monday 29 November 2021**. My officer will contact you prior to this date to arrange a further visit. You may apply for an extension to the period of time within which you need to remedy the failure(s). The authority will grant / deny additional time according to the efforts you have made. If you require additional time, please contact my officer at your earliest opportunity.

Penalty for Non-compliance

If you do not comply with this Notice, you will have committed an offence and this authority will consider a prosecution against you. A prosecution could lead to you being liable to a fine, imprisonment or both, subject to the Courts.



Route to Appeal

You can legally appeal this Notice. To do so, you must appeal 'by way of complaint for an order to the Clerk to the Magistrates' Court in the area in which the premises are situated', within 21 days from the day on which this notice was served. The bringing of an appeal has 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.

You can clarify or challenge what you need to do. If you want to comment on your experience of the visit, please refer to our 'Challenges (Appeals) and Complaints procedure' at: <https://bucksfire.gov.uk/safety-hub/enforcement-appeals-and-penalties/> which sets out how to do so.

Fire Safety Management

The schedule sets out what you need to do to improve fire safety. Taking the additional advice under this heading will help you to sustain those improvements.

Risk Assessment

Undertaking a fire risk assessment will identify the safety measures you have in place and any further measures you might need to take. If additional safety is required in consequence of the assessment, you must provide it.

Competent People

You should appoint competent people to help you put in place appropriate safety measures in case of fire. Information to help you select competent help is available from <https://www.nationalfirechiefs.org.uk/Finding-fire-risk-assessor>.

Record Findings

You should record:

- The significant findings of your fire risk assessment (i.e. what you have done and what you will do to ensure the safety of people in case of fire);
- Any people identified as being especially at risk; and
- The arrangements you have in place to plan, organise, control, monitor and review the fire safety measures you have in place.

Review Risk Assessment

You should review your fire risk assessment regularly especially if:

- i. There is reason to suspect that people are not safe in case of fire, or
- ii. There has been a significant change to the preventive and protective measures you have taken in case of fire.

Where in consequence of any such review, changes to your safety measures are required; you should make those changes.



Review Measures

To stop your fire safety falling below an acceptable standard again, you should put in place a system of planning, organising, controlling, monitoring and reviewing the performance of each of the fire safety measures you have in place.

Small Fires

You should have measures in place to tackle small fires and have an appropriate number of trained people available to implement those measures.

Maintenance

You should ensure that fire safety equipment and systems are properly tested and maintained so that they will work when needed.

Testing and Maintenance

You should make a record of the testing and maintenance done to any of your safety systems.

At Risk Employees

You must tell any employees if you have identified them as being especially at risk in case of fire and what you have done to mitigate that risk in order to keep them safe.

Outside Employees

You should tell anyone working in your premises (who are employed by another party) of any fire risk to them and what you have done to keep them safe, including the people you have nominated to help in an emergency.

- You should record the fire safety information and training you give to employees and managers.

No PAS Record

I checked the Primary Authority Register on 12th August 2021.

I found no record of Star MK Limited in relation to Fire Safety Enforcement.



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Alternative Solutions

If you prefer to use a different solution to bring about safety from fire please contact my officer. If your solution is agreed, this Notice will be withdrawn and another Notice served instead. An alternative approach might enable you to apply an equally appropriate safety solution to better meet your needs. Any alternative you propose must meet the 'outcome(s)' stated in the schedule.

Further Recommendations

Introduction

I want you to be successful. The information, provided below, should assist you to improve safety or to enhance business continuity matters within your premises.

Business Continuity

It would be a wise investment of your time to consider how a fire may affect your business continuity and plans for growth. There is a wealth of useful information and advice available free of charge from

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/137994/Business_Continuity_Management_Toolkit.pdf.

Appoint Competent People

If you plan to employ someone to help you with the requirements we have made, you should appoint competent people to give you confidence in the work they will do. Information to help you select competent help is available from

<https://www.nationalfirechiefs.org.uk/Finding-fire-risk-assessor>

Yours sincerely,

A handwritten signature in black ink that reads "J. R. Cook".

Station Commander Steve Cook
Authorised Fire Safety Inspecting Officer
On behalf of the Buckinghamshire & Milton Keynes Fire Authority



Important Information – schedule referred to in Enforcement Notice

Notes to this schedule:

The government guidance most suitable to your premises is **Fire safety risk assessment: offices and shops**, which can be found at

<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>

Before you make certain changes to the premises, you may have to apply for approval from statutory bodies and/or others having interest in them. If you have doubt about the need for approval, you should ask the relevant body. For example, you may have to apply for approval from a Building Control Body to make 'material alterations'. You might also need to apply for the property owners' permission or for 'listed building consent', among others.

Item 1 of 16 – Risk Assessment	
Outcome	This work is necessary to identify the necessary general fire precautions.
Suggested Action	Ensure that a fire risk assessment is carried out by a competent person. See paragraphs in the Fire Safety Management section of this letter for details. The document "Choosing a competent fire risk assessor" is attached for your information.
Reason	A suitable and sufficient fire risk assessment has not been carried out at the premises to identify the fire risks, any persons especially at risk, the safety measures you have in place and any further measures you might need to take now and in the future. Persons may be at risk from fire. <i>This is contrary to Articles 9 (1) and 9 (3)</i>



Item 2 of 16 - Fire alarm	
Outcome	This work is necessary to detect fire and raise an alarm.
Suggested Action	<p>Provide and install a fire alarm that complies with BS 5839-1:2017.</p> <p>The system must be capable of giving a warning to everyone who might be affected. This includes for example, people who are sleeping or within noisy environments.</p> <p>The system should be installed and commissioned by a competent person.</p>
Reason	<p>The existing system is not suitable because the sounders did not operate when the system was tested by way of activating a manual call point. This means that people may not be warned in time to escape safely.</p> <p><i>This is contrary to Articles 8(1)(a)(b), 13(1)(a), 15(1)(a) and 15(2)(a).</i></p>

Item 3 of 16 – Provide signs for fire-fighting equipment	
Outcome	This work is necessary to enable nominated employees to safely fight outbreaks of fire.
Suggested Action	Provide appropriate signage for fire-fighting equipment so that the correct media can be selected for fire-fighting.
Reason	<p>There is not enough suitable and sufficient FFE signage for nominated employees to implement fire-fighting measures. This means that they might be harmed while tackling a fire.</p> <p><i>This is contrary to Articles 8 (1)(a)(b), 13 (1)(b), 15(1)</i></p>



Item 4 of 16 – Firefighting equipment	
Outcome	This work is necessary to enable nominated employees to safely fight outbreaks of fire.
Suggested Action	Provide fire-fighting equipment that complies with British Standard 5306-8.
Reason	There is not enough fire-fighting equipment. A small fire would be able to grow to a size that could put people at risk. <i>This is contrary to Articles 8 (1)(a)(b), 3(1)(a) and 13(2)</i>

Item 5 of 16 – Emergency routes and exits	
Outcome	This work is necessary to provide sufficient escape routes (corridors, stairs and doors) for people.
Suggested Action	Ensure that everyone can evacuate quickly and safely by keeping escape routes clear of obstructions and combustible materials.
Reason	The escape routes in the ground floor shopping area contained large quantities of combustible materials that impede the escape routes. This would delay or prevent people escaping quickly and safely from fire. <i>This is contrary to Articles 8(1) and 14</i>

Item 6 of 16 - Fire Safety Arrangements	
Outcome	This work is necessary to ensure that the arrangements are in place to protect life safety, in case of fire, now and in the future.
Suggested Action	Ensure that fire safety arrangements are put in place. See paragraphs in the Fire Safety Management section of this letter for details.
Reason	Fire safety arrangements are not in place. There is a possibility that persons could be put at risk from fire and the protection systems in place may not be regularly tested, serviced and maintained. <i>This is contrary to Article 11(1)</i>



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Item 7 of 16 – Procedures for serious and imminent danger and for danger areas	
Outcome	This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed.
Suggested Action	Ensure that there are enough competent people to successfully implement an evacuation.
Reason	There are not enough people available to supervise an evacuation in case of fire and to keep everyone safe. <i>This is contrary to Articles 8(1)(a)(b), 15(1)(b)</i>

Item 8 of 16 – Procedures for serious and imminent danger and for danger areas	
Outcome	This work is necessary to help people understand what to do if fire breaks out.
Suggested Action	Establish procedures to be followed in case of fire and nominate people to put those procedures into effect.
Reason	There was no evidence of a fire procedure or fire drills. Without these, people may behave in unpredictable ways and can be put at risk. Good procedures will allow everyone to leave safely in case of fire. <i>This is contrary to Articles 8(1), 15(1)(a), 15(2)(a)</i>



Item 9 of 16 – Emergency routes and exits	
Outcome	This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed and reduce the risk of the spread of fire.
Suggested Action	<p>A survey of the fire-resisting doors is to be carried out by a competent person. You must ensure that door-sets that can resist fire and smoke for 30 minutes are provided in accordance with BS 476-22:1987 in the following locations:</p> <p>The term 'door-set' refers to the complete element as used in practice:</p> <ul style="list-style-type: none">• The door leaf or leaves.• The frame in which the door is hung.• Hardware essential to the functioning of the door set.• Intumescent seals and smoke sealing devices. In the case of double doors you should ensure that they close without affecting the operation of the seals. This is also subject to the smoke detection coverage in the premises.• The gap around the fire door and the doorframe is to be 3-5mm. The gap between the fire door and the threshold is to be no more than 10mm. <p>All installations must be completed by a competent person and the standard of compliance evidenced with a completion certificate.</p>
Reason	<p>Doors were not capable of preventing the spread of fire for long enough to enable people to escape because they were damaged, or missing intumescent seals and smoke sealing devices. Doors were also observed to be missing self-closing devices on the escape route from the first and second floors.</p> <p><i>This is contrary to Articles 8(1)(a)(b) and 14(2)(b)</i></p>



Item 10 of 16 – Emergency routes and exits	
Outcome	This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed.
Suggested Action	Ensure that escape routes throughout the premises are illuminated by emergency lighting that will operate if the local lighting circuit fails. The system should conform to BS 5266. All installations must be completed by a competent person and the standard of compliance evidenced with a completion certificate.
Reason	People may not be able to find the way out in an emergency because there was no emergency lighting fitted, or the existing emergency lighting fittings are not being maintained and tested. <i>This is contrary to Articles 8(1)(a)(b), 14(2)(h)</i>

Item 11 of 16 – Emergency routes and exits	
Outcome	This work is necessary to provide sufficient escape routes (corridors, stairs and doors) for people.
Suggested Action	Ensure that everyone can evacuate quickly and safely by ensuring that escape routes are clear at all material times. There must be a management system in place to prevent the security shutters from obstructing the means of escape of relevant persons at all material times.
Reason	The final exit door from the first and second floors at the rear of the premises was blocked by a security shutter which prevented the door from opening. This would delay or prevent people escaping quickly and safely from fire. <i>This is contrary to Articles 8(1)(a)(b) and 14(1), 14(2)(b), 14(2)(f)</i>



Item 12 of 16 – Safety assistance	
Outcome	This work is necessary to ensure that the general fire precautions are adhered to.
Suggested Action	Ensure that enough competent persons are appointed to help you ensure that the general fire precautions are adhered to and that the fire safety arrangements remain in place now and in the future.
Reason	Not enough competent people have been appointed to help you. Ensure that the general fire precautions are adhered to and that the fire safety arrangements remain in place. This means that you cannot rely on your fire safety systems and that people would be at risk in case of fire. <i>This is contrary to Articles 18(1)</i>
Item 13 of 16 – Provision of information to employers and the self-employed from outside undertakings	
Outcome	This work is necessary to help people understand what to do if fire breaks out.
Suggested Action	Provide instructions and comprehensible information to people who work on your premises but are not employed by you, about what to do in case of fire
Reason	People working in your premises will be unfamiliar with your fire procedures and could be at risk, if fire breaks out. People were found to be working who were unfamiliar with your procedures. <i>This is contrary to Articles 8(1)(b), 20(2)</i>
Item 14 of 16 – Co-operation and co-ordination	
Outcome	This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed.
Suggested Action	Cooperate with the Golden Slots Arcade and they must cooperate with you. The cooperation must ensure that the shared means of escape for the first and second floors must be available to use at all material times.
Reason	You share some fire safety measures with other people, which they rely on for their safety and for which you are responsible. <i>This is contrary to Articles 8(1)(b), 14(2)(c), 22(1)(a)(b)</i>



Item 15 of 16 - Emergency routes and exits	
Outcome	This work is necessary to provide sufficient escape routes (corridors, stairs and doors) for people.
Suggested Action	Ensure that the stairs serving the first and second floors from the Golden Slots arcade are kept free from fire and smoke for a period of 30 minutes by using fire resisting construction to protect the stair.
Reason	People using the first and second floor may be affected by a fire in the stair due to non-fire resisting materials being used to create lobbies at each level and to under-draw the stairs. This means that people may not be able to reach safety before being affected by fire and / or smoke. <i>This is contrary to Articles 8(1)(a)(b), 14(2)(a)(b)</i>

Item 16 of 16 - Emergency routes and exits	
Outcome	This work is necessary to make sure that escape routes (corridors, stairs and doors) can be safely used whenever they are needed.
Suggested Action	Ensure that the nosings on the edge of the steps of all stairs are in good repair and are indicated with a high visibility paint or strip to make them identifiable during the hours of darkness or in insufficient lighting.
Reason	There is a danger of tripping down the steps as the edges are currently in poor repair and are difficult to see, especially in the dark. <i>This is contrary to Articles 8(1)(a)(b), 14(2)(b)</i>