

Your Reference

Our Reference GP/SB/CAS-01030-J3D1J7

Contact Geoff Pridmore  
07970 995 256  
pridmoreg@manchesterfire.gov.uk



**GREATER MANCHESTER  
FIRE AND RESCUE SERVICE**

County Fire Officer Jim Wallace

Greater Manchester Fire and Rescue  
Service  
146 Bolton Road  
Swinton  
Manchester M27 8US

Telephone: 0161 736 5866  
www.manchesterfire.gov.uk

Jean Jones  
Compton Property Management  
45-51 Wychtree Street  
Morrison  
Swansea  
SA6 8EX



Date 30<sup>th</sup> January 2019

Dear Ms Jean Jones

**Re:- Tapestart Limited, Aura Court, Stretford Road, Old Trafford, M15 4AB**

Please find enclosed a copy of a letter and copies of 2 Enforcement Notices which have been issued to the above premises.

If you require any further information please do not hesitate to contact me direct on 07970 995 256

Yours faithfully

A handwritten signature in black ink, appearing to be 'G. T. M.' with a stylized flourish.

Sent on behalf of  
Greater Manchester Combined Authority



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Date 30<sup>th</sup> January 2019

Dear Sir/Madam,

**THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

**RESPONSIBLE PERSON:** TAPESTART LIMITED

**RELEVANT PREMISES:** AURA COURT  
STRETFORD ROAD  
OLD TRAFFORD  
TRAFFORD  
M15 4AB

I am writing to set out concerns about the current fire safety arrangements for the above premises which has been inspected on the 23<sup>rd</sup> November 2018 and the 29<sup>th</sup> January 2019 in order to establish whether the provisions of the Regulatory Reform (Fire Safety) Order 2005 ("the Fire Safety Order") are being complied with.

I believe that Tapestart Limited is the responsible person for the premises as the owner of the premises and that it currently has control of the premises following the dissolution of the Leasehold Management Company.

At my initial inspection I was accompanied by Jean Jones, Compton Property Management and Lee Smith, Façade Remedial Consultants and have had subsequent correspondence with Jean Jones.

I understand that Tapestart Limited only acquired control of the premises during 2018 and was not previously involved in or responsible for the day to day management of the premises.





As you are aware the report completed by Façade Remedial Consultants identifies a number of areas of the premises where the external cladding and deck access to some of the residential dwellings in Block 3 poses a risk of fire spread which could compromise the means of escape from the premises.

I have been provided with a fire risk assessment carried out by Cardinus Risk Management dated the 4<sup>th</sup> December 2018, however this does not refer to all of the issues identified in the report provided by Façade Remedial Consultants and does not consider the risk of internal and external fire spread therefore I do not consider it to be suitable and sufficient. I understand that a review is being undertaken of the fire risk assessment and that this may address those areas. However, I have considered it necessary to take enforcement action in relation to the premises and enforcement notices have been served separately.

The purpose of this letter is to make clear my concerns about the current fire safety arrangements for the premises which I would ask you to give urgent consideration to in advance of the timescale to comply with the enforcement notices.

In December I wrote to Compton Property Management and explained that I did not consider that a 'Stay Put' strategy was appropriate for the building on the basis that having reviewed the report of Façade Remedial Consultants there is a risk of external fire spread from the Trespa panelling system to the upper floors and there is also a risk of external fire spread from the deck areas and wooden panelling. In respect of this area this has the ability to compromise the means of escape from the flats in that part of the premises.

I further explained that as in my view a Stay Put policy was not appropriate that steps should be taken to support an evacuation of the building – I attached a link to the Guidance from the National Fire Chiefs Council relating to Simultaneous Evacuation (<https://www.nationalfirechiefs.org.uk/Simultaneous-evacuation-guidance>)

and recommended that a competent person be engaged to determine what arrangements should be implemented but that in my view a wireless interlinked alarm system may be sufficient as a short term measure but again this should be discussed with a competent person.

Given the history at the premises and the fact that control had only recently reverted to TapeStart Limited I provided a timescale in which I anticipated progress should be made before enforcement action would be taken. Whilst I appreciate that a fire risk assessment has been commissioned there has been no change to the fire safety arrangements and no change to the evacuation strategy. It is my view that the evacuation strategy for the building should be reviewed and steps taken to ensure that in the event of a fire there is a means of providing warning to residents to enable them to evacuate the premises safely.

A suitable and sufficient fire risk assessment should identify an appropriate strategy for the building and the preventive and protective measures required to safeguard relevant persons.

In the absence of a suitable and sufficient fire risk assessment I would urge to instruct a competent person to advise you on the minimum steps to be taken to ensure the safety of residents.

If action is not taken, then further consideration will be given as to whether it is necessary to prohibit the use of the premises.

As the responsible person, Tapestart Limited is under an obligation to take such general fire precautions as are reasonably required in the circumstances to ensure the safety of relevant persons. A failure to comply with the requirements of the Fire Safety Order which place relevant persons at risk of death or serious injury is a criminal offence.

I can assure you that GMFRS is committed to working with building owners and managers to ensure the appropriate steps are taken to ensure high rise residential buildings are safe but urge you to take urgent action in relation to this premises.

If you wish to discuss the matter, please do not hesitate to contact me on the details given above.

Yours faithfully



On behalf of the  
Greater Manchester Combined Authority

Cc:  
Jean Jones  
Compton Property Management  
45-51 Wychtree Street  
Morrison  
Swansea  
SA6 8EX

Phil Jackson  
Building Control Services,  
Trafford Town Hall  
Talbot Road  
Stretford  
M32 0TH

Your Reference

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Date 30<sup>th</sup> January 2019

Dear Sir/Madam,

#### THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

**RESPONSIBLE PERSON:** TAPESTART LIMITED

**RELEVANT PREMISES:** AURA COURT  
STRETFORD ROAD  
OLD TRAFFORD  
TRAFFORD  
M15 4AB

The Greater Manchester Combined Authority ("the Authority") being the fire and rescue authority for Greater Manchester, is the enforcing authority, under Article 25 Regulatory Reform (Fire Safety) Order 2005 ("the Fire Safety Order").

I believe that Tapestart Limited is the responsible person for the premises as the registered owner of the premises and that it currently has control of the premises following the dissolution of the Leasehold Management Company.

Following inspections of the premises on **23<sup>rd</sup> November 2018** and the **29<sup>th</sup> January 2019** the Authority is of the opinion that there has been a failure to comply with the requirements of the Fire Safety Order and that an enforcement notice is appropriate.

The attached Enforcement Notice is a legal requirement to which you have a right of appeal to a Magistrates' Court. I can confirm that the matters and steps specified on the attached Schedule need to be carried out to ensure compliance with the requirements of the Fire Safety Order.





Your attention is drawn to the notes that accompany this Notice.

If you wish to discuss the matter, please do not hesitate to contact me on the details given above.

Yours faithfully

A handwritten signature in black ink, appearing to be 'G. T. N.' with a horizontal line under the 'N'.

On behalf of the  
Greater Manchester Combined Authority

Cc:  
Jean Jones  
Compton Property Management  
45-51 Wychtree Street  
Morrison  
Swansea  
SA6 8EX

Phil Jackson  
Building Control Services,  
Trafford Town Hall,  
Talbot Road,  
Stretford.  
M32 0TH

**GREATER MANCHESTER COMBINED AUTHORITY  
ENFORCEMENT NOTICE 01030  
NOTICE REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE  
REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

**RESPONSIBLE PERSON:** TAPESTART LIMITED

**RELEVANT PREMISES:** AURA COURT

**ADDRESS:** AURA COURT  
STRETFORD ROAD  
OLD TRAFFORD  
MANCHESTER  
M15 4AB

I, Geoff Pridmore on behalf of the Greater Manchester Combined Authority (the Authority), being the fire and rescue authority for Greater Manchester give you notice that the Authority is of the opinion that, as a person being under an obligation to do so, you have failed to comply with the requirements of The Regulatory Reform (Fire Safety) Order 2005 in respect of the above named premises and 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(s) to comply with The Regulatory Reform (Fire Safety) Order 2005 and the reason(s) why the Authority is of that opinion are specified in the schedule to this notice.


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

Unless the steps identified in the Schedule to this notice have been taken by **6<sup>th</sup> May 2019**, you will have failed to comply with this notice which is an offence under Article 32(1)(d) of The Regulatory Reform (Fire Safety) Order 2005 and the Authority will consider prosecution. 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 Magistrates' Court in the local justice 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 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.

Date 30-1-2019

Signed



(Being a person authorised in accordance with Section 101 of the Local Government Act 1972 and/or Section 107D(3) of the Local Democracy, Economic Development and Construction Act 2009 to issue such a Notice.)

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO 01030  
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY  
REFORM (FIRE SAFETY) ORDER 2005**

Where appropriate, a plan may form part of this Schedule to illustrate the steps which, in the opinion of the Authority, need to be taken in order to comply with The Regulatory Reform (Fire Safety) Order 2005.

Note: Notwithstanding any consultation undertaken by the 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 details of matters which are, in the opinion of the Authority, considered to be failures to comply with The Regulatory Reform (Fire Safety) Order 2005 and the reason(s) why, are detailed in the schedule below.

The steps considered necessary to remedy the failures are detailed in the schedule below and must be taken by **6<sup>th</sup> May 2019**.

**SCHEDULE**

Item number 1
<u>Failure to comply</u>
<b>Duty to take General Fire Precautions</b>
<b><u>Relevant Articles</u></b>
Article 8(1)(b) of the Regulatory Reform (Fire Safety) Order 2005. Duty to take such general fire precautions (as defined in Article 4) as are reasonably required to ensure the premises are safe for relevant persons.
<b><u>Reason why</u></b>
The current general fire precautions have failed to ensure the safety of all relevant persons, at all times, in the event of fire.
There are breaches in the compartmentation which form part of the structural fire precautions and which would allow the spread of fire and smoke into the areas between flats and communal areas of the premises, which would compromise the means of escape in case of fire.
In addition the materials used in providing the only means of escape from all floors in Block 3 across the external balconies and single staircase need to be assessed to ensure the escape route is available to use at all times in the event of a fire.



**Measures to be taken**

Take appropriate measures to ensure that there are general fire precautions to ensure the safety of residents. Specifically to take appropriate measures to reduce the risk of the spread of fire on the premises and measures in relation to the means of escape and ensuring the means of escape can be safely and effectively used at all times.

The measures required should be identified through the significant findings of a suitable and sufficient fire safety risk assessment.

Where any structural work is required or a material alteration is to be made to the building it will be necessary to ensure that any appropriate planning permission is obtained and that work is undertaken in accordance with the Building Regulations and any necessary approvals are obtained.

**NOTES TO ACCOMPANY ENFORCEMENT NOTICE  
SERVED UNDER ARTICLE 30 OF  
THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

1. You may appeal (under Article 35 of the Order) against an enforcement notice served (under Article 30 of the Order). The appeal must be 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 Combined 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;

You dispute any of the facts in the notice which detail the failure(s) to comply with any provision of the Order, the steps required are unreasonable or you think that an unreasonable time period has been set for the taking of the steps set out in the notice.

In additions to your right of appeal to a magistrates' court, Article 36 of the Fire Safety Order provides for a determination of disputes by the Secretary of State in certain circumstances. This process applies only where:

- a. the responsible persons accepts that a failure to comply any provision of the Order exists,
- b. the areas of dispute relate only to the measures necessary to remedy that failure, and see both you and the Combined Authority agree to refer the dispute to the Secretary of State.

Should you wish to consider this approach you should contact the Officer referred to above within fourteen days from the day on which the notice is served on you.

2. The Combined Authority may grant, at their discretion, an extension (or, exceptionally a 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 County Fire Officer and Chief Executive, Greater Manchester Fire and Rescue Authority, Headquarters, 146 Bolton Road, Swinton, Manchester, M27 8US.
3. 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 Combined Authority may, at their discretion, grant) is a criminal offence under Article 32(1)(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 an unlimited fine or to imprisonment for a term not exceeding two years, or both.
4. 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 other 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.
5. 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:
- (a) an employee; or
  - (b) a person nominated to implement measures for fire-fighting; or
  - (c) a person nominated to implement procedures in the event of serious and imminent danger; or
  - (d) a person nominated to assist him/her in undertaking preventive and protective measures.
6. In any proceedings for an offence under the Order, except for a failure to comply with Article 8 (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.
7. It should be noted that in order to satisfy the "Environment and Safety Information Act 1988" the Combined 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 information about a trade secret or secret manufacturing process then you should give written notification to the Authority within a period of fourteen days following the service of the notice.

Information may also be disclosed following a request under the Freedom of Information Act (2000).