

Environmental Information Regulations – Response - 27626

Copy of the prohibition Notice 037/4182/F017758/PN

We act on behalf of the mortgagee over Flat XXXX in St Francis Tower. Our client has a possession order over the Property they are looking to enforce. On the day of the eviction the bailiffs and contractor confirmed there was a prohibition notice on the block communal door.

We kindly request a copy of the prohibition notice 037/4182/F017758/PN and confirmation of what steps are being taken to make the property safe again pursuant to the Freedom of Information Act.

Please see the attached Prohibition Notice. With regards to the steps to make the property safe again, that information would have to be requested from the Responsible Person / Owner.

Redacted information

All information released in response to a Freedom of Information Act 2000 (FOIA) or Environmental Information Regulation 2004 (EIR) request is deemed to be in the public domain. As such we must consider whether or not the requested information qualifies as personal information and should therefore not be released into the public domain.

The council has determined that this is personal information and is therefore exempt from disclosure under **section 40** of the FOIA and **regulation 13** of the EIR.

The Council considered the following, including the possible consequences of disclosure for the data subjects concerned and their reasonable expectations as to the use of their data:

- expectations of the individuals concerned about personal information being put into the public domain;
- reasonable expectations - the data subjects concerned would have a legitimate expectation of privacy concerning their personal information and would not have anticipated this being put into the public domain;
- whether or not the requested information could be anonymised; and
- balancing the individual's rights and the legitimate interests - In past cases the Information Commissioner has weighed the individual's rights to privacy against the public interest in disclosure. There is no presumption in favour of releasing personal data.

This is an absolute exemption, which means that if the condition is satisfied there is no additional public interest test to consider.

In assessing fairness, the Council considered the likely consequences of disclosure of the requested information. Personal information should not be used in ways that have unjustified adverse effects on the individuals concerned. The council also considered whether such disclosure would be within the reasonable expectations of the individuals, given that any response to a request under the FOIA or EIR is deemed to be in the public domain. The council believes that in this instance it is not fair to disclose personal data and is therefore withholding the requested information under section 40 of the FOIA and regulation 13 of the EIR.

RG Securities (No.2) Limited
16 – 18 Warrior Square
Southend-On-Sea
Essex
SS1 2WS

Fire Business Support Team
Floor 3, Block 2
Endeavour House
8 Russell Road
Ipswich, Suffolk
IP1 2BX

Our Ref:	FS/F017758
E-mail:	Fire.BusinessSupport@suffolk.gov.uk
Web Address:	http://www.suffolk.gov.uk

Date: 08/02/2024

Dear Sir

URGENT – ACTION REQUIRED

PROHIBITION NOTICE

The Regulatory Reform (Fire Safety) Order 2005 Article 31
St Francis Tower, 23 Franciscan Way, Ipswich, IP1 1NB

Suffolk Fire & Rescue Service is of the opinion that the use of the premises involves or will involve a risk to persons from fire so serious that use of the premises ought to be prohibited or restricted.

The Prohibition Notice, **NURN 037/4182/F017758/PN** is hereby withdrawn and Prohibition Notice, number **NURN 040/4182/F017758/PN** substituted for it. Your attention is drawn to the notes that accompany this Notice.

This Prohibition Notice applies to the premises in its entirety.

Failure to comply with a prohibition notice is a criminal offence.

The authority may prosecute **anyone** failing to comply with the prohibition notice, including anyone residing in or using the stated parts of the premises. (You can only grant access to enable measures to take place to remedy the matters or for the supervised collection residents' personal items which should be accompanied by the onsite security company).

You are requested to inform this Authority of any change in the Responsible Person for the Premises and/or any party who may have responsibilities in relation to the Premises.

/Continued

Any query concerning the obligations placed upon you by the legislation, or any enquiry concerning these matters, should be addressed to the officer named above and sent to the Fire Business Support Team at the above address.

[REDACTED]

[REDACTED]

[REDACTED]

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Notes

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[REDACTED]

SUFFOLK FIRE AND RESCUE SERVICE
REGULATORY REFORM (FIRE SAFETY) ORDER 2005 ARTICLE 31
PROHIBITION NOTICE NURN 040/4182/F017758/PN
URGENT ACTION REQUIRED

Name:

RG Securities (No.2) Limited

Address:

16 – 18 Warrior Square
Southend-On-Sea
Essex
SS1 2WS

I, Area Manager [REDACTED], on behalf of Suffolk Fire and Rescue Service, hereby give you notice that the Fire and Rescue Authority are of the opinion that the use of the said premises

Premises:

St Francis Tower
23 Franciscan Way
Ipswich
IP1 1NB

Used as:

Residential block of flats

involves, or will involve, a risk to persons on the premises in the event of fire, so serious that use of the premises ought to be **prohibited**.

The Authority are further of the opinion that the matters which give rise to the said risk are:

Inadequate means of escape, inoperative fire suppression and fire detection and warning to allow residents to occupy the premises.

and the Fire and Rescue Authority hereby direct that the use of the premises to which this Notice relates is prohibited as follows:

The premises should not be used for any purpose except for remedial works.

until the matters specified above have been remedied. The steps required to remedy the matters specified above are:

Adequate fire safety measures must be reinstated to secure the means of escape from the premises. Inclusive of the emergency lighting, automatic opening vents, automatic fire detection and the suppression system being operative having been tested by a competent person/s.

The Fire and Rescue Authority are of the opinion that the risk of injury is imminent, and the **prohibition** is to take effect immediately,

This Notice continues in force until the specified matters have been remedied and/or the Fire and Rescue Authority withdraw it.

Signature
Area Mana

A black rectangular box redacting the signature of the Area Manager.

Date 08.02.24

Being a person authorised by Suffolk Fire and Rescue Service, under Section 101 of the Local Government Act 1972, to issue such a Notice.

OFFICIAL

**NOTES TO ACCOMPANY PROHIBITION NOTICE
SERVED UNDER ARTICLE 31 OF THE
REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

1. Under Article 32(2)(h) of this Order, it is an offence for any person to fail to comply with any prohibition imposed by a Prohibition Notice and renders the offender liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or to both. You are advised to inform persons who work in, or resort to, the premises about the Notice in order to avoid committing an offence.
2. In any proceedings for an offence referred to in Note 1, where the commission by any person of an offence under the Order is due to the act of 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.
3. 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.
4. Subject to Note 3, in any proceedings for an offence under the Order, except for a failure to comply with Articles 8(a) (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.
5. In any proceedings for an offence under the Order consisting of a failure to comply with a duty or requirement so far as is reasonably practicable, it is for the accused to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.
6. A person on whom a Prohibition Notice is served may appeal under Article 35 of the Order to the magistrates' court, for the area in which the premises are situated, within 21 days from the date on which the Prohibition Notice is served. The bringing of an appeal does not have the effect of suspending the Notice, unless on the application of the appellant, the court so directs (and then only from the giving of the direction). The appeal may be brought on the grounds that you think that:
 - (a) the service of a Notice was based on an error of fact;
 - (b) the service of the Notice was wrong in law, and
 - (c) the Fire and Rescue Authority erred in the exercise of their discretion in serving the Notice.
7. 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 Prohibition 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.

8. The works or actions specified in the Notice are intended only to reduce the excessive risk to a more acceptable level. Further works may be required following your fire risk assessment which is required under the Order. The Notice is issued without prejudice to any other enforcement action that may be taken by this or any other enforcement authority.
9. The Fire and Rescue Authority would be willing to consider and reasonably assist with any proposals you may have to remedy the matters specified in the Notice.
10. Before commencing any structural works indicated in the Prohibition Notice you should consult with a Building Control Agency.
11. To assist with administration procedures, you should quote the reference number (at the top of this Notice) when dealing with the Fire and Rescue Authority.