

Private Sector Housing Enforcement
Castlepoint Library
Castle Lane West
Bournemouth BH8 9UP



The Company Secretary
Kaplan Bournemouth Ltd
2nd Floor
Warwick Building
Kensington Village
Avonmore Road
W14 8HQ

Date: 8th January 2020
Our Ref: 8INv4: Requests: 204291: PSH09673
Contact: Mr P S Harris
Email: philip.harris@bcpcouncil.gov.uk
Tel: (01202) 451080

Dear Sir or Madam

The Housing Act 2004
The Housing Health and Safety Rating System
Improvement Notice – Section 11
Address: Lansdowne Point 51-65 Holdenhurst Road Bournemouth BH8 8EP

The Housing Act 2004 introduced the Housing Health and Safety Rating System (HHSRS), which came in to force on the 6th April 2006. The Rating System is a statistical method of relating the hazards caused by defects in the property to the actual health and safety risks to the occupants. Hazard scores are classed as either category 1 or category 2, where category 1 is the most serious.

During an inspection of the above premises on 18th and 19th September 2019 deficiencies were noted, and a subsequent risk assessment identified category 1 hazards, which require remedial action and for this reason the enclosed Improvement Notice is served.

Section 8: Statement of Reasons for the Service of an Improvement Notice

The authority is satisfied that hazards exist at the premises and action should be taken in respect of those hazards, for the health and safety of the occupants. The following possible courses of action were considered before reaching a decision:

Hazard Awareness Notice - The significant nature of the hazards at the property determine that a Hazard Awareness Notice would not be a suitable course of action. Advising the person responsible of the existence of the hazards and not requiring remedial action is inappropriate in this case.

Improvement Notice - It is considered that remedial action should be taken to deal with the significant hazards identified at the property and it is reasonable to require work to be carried out within a defined period of time.

Prohibition Order – Although the nature of the hazards is significant, there is no identifiable reason for the use of the property/room to be prohibited pending remedial work.

Any personal information you provide us with, will be held and used in accordance with the law and the Data Protection Act 2018. If you would like to find out more information about how we use your information, please see our Privacy Notice here: bcpcouncil.gov.uk/privacy

bcpcouncil.gov.uk

'BCP Council' is the operational name for Bournemouth, Christchurch and Poole Council.

Emergency Action – The hazards encountered do not pose an imminent risk to the health and safety of the occupants or visitors to the properties. Emergency action is therefore not appropriate here.

Suspended Action – There is no good reason to delay the required work until a defined time or particular situation arises. The service of a Suspended Improvement Notice or Suspended Prohibition Order is inappropriate in this case.

Demolition or Clearance - The nature of the defects contributing to the hazards is not so severe as to require the demolition or clearance of the property. In addition, the high values of properties in the borough and the demand for accommodation within the area indicate that demolition or clearance is not the most appropriate course of action.

The service of an **Improvement Notice** is considered to be the most appropriate course of action in this case

The notice becomes operative 28 days after the service of the notice, you have right of appeal and the notes attached to the notice will explain how to do this. Please read the notice and attached notes very carefully. You should be aware that the Housing Act 2004 allows the Council to make a reasonable charge to cover its' costs in taking enforcement action and a Demand Notice will be sent to you after 28 days.

Where membership of professional associations/qualifications are mentioned, within the body of the notice, it should be noted that there are other equivalent schemes available.

You may require Building Regulation and Town Planning Approval to execute these works.

If you require any further information about the notice or enclosed schedule of works, or if there are alternative ways by which you feel that you can alleviate the risk, please contact me as above.

Yours sincerely



Mr P S Harris

Private Sector Housing Enforcement Team

Direct line: (01202) 451080
This matter is being dealt with by: Mr P S Harris
Our Ref: 81Nv4: Requests: 204291: PSH09673
Email: philip.harris@bcpcouncil.gov.uk



HOUSING ACT 2004
The Housing Health and Safety Rating System
Improvement Notice
Section 11

To: **Kaplan (Bournemouth) Limited**

Of: **2nd Floor Warwick Building Kensington Village Avonmore Road W14 8HQ**

1. You are the person known to have control of the premises situated at and known as
Lansdowne Point 51-65 Holdenhurst Road Bournemouth BH8 8EP
2. Take notice that **Bournemouth Christchurch and Poole Council** ("the Council") is satisfied that a Category 1 hazard has been identified during inspection of the above premises.
3. The Council, having had regard to the guidance given in Part 1 of the Housing Act 2004, have decided the most appropriate course of action is the service of an Improvement Notice under section 11 of the Act.
4. The hazards identified at the property and the deficiencies giving rise to those hazards are detailed in the schedule 1 along with details of the remedial action to be taken to mitigate each hazard in schedule 2
5. The latest commencement date of the remedial action is indicated for each specific action together with the period in which the work must be completed.
6. Under Section 11 of the Act the Council require you to carry out the works as detailed in the attached schedule.

Date: 10th January 2020


Mr P S Harris
Authorised Officer

Please read the schedule and accompanying notes carefully.

Address for all communications: Any correspondence or enquiry regarding this Notice must be directed to: Private Sector Housing Enforcement, Castlepoint Library, Castle Lane West, Bournemouth, BH8 9UP.

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HOUSING ACT 2004 IMPROVEMENT NOTICE - NOTES

Operation of Notice

The notice becomes operative 28 days after the service of the notice. If an appeal is brought, the notice does not become operative until a decision is given which confirms the notice, or the appeal is withdrawn.

Section 15

Effect of Notice

An improvement notice is a notice requiring the person on whom it is served to carry out works in relation to hazard, as specified in the notice, to remove or reduce the hazard. To comply with the notice the works must be carried out within the time period specified and must be completed to a satisfactory standard.

Sections 11 and 12

If you have difficulty in finding a builder to do the works, or have any other problems in arranging the works, you can ask the Council if they are able to arrange the works themselves and charge you with the full cost.

Schedule 3, part 1

If during the period in which the works are to be carried out, the Council think that reasonable progress is not being made, they may, after giving notice in writing of their intentions to do so, arrange the works themselves and charge you with the full cost.

Schedule 3, part 2

If you do not comply with the notice and the Council charge you with the cost of arranging the works themselves, they may recover their costs by requiring tenants or licensees in the premises to pay rent or sums in the nature of rent to them until their costs are recovered in full.

Schedule 3, part 3

Right of Appeal

If you do not agree with this notice you may appeal against it to a Residential Property Tribunal (RPT). The appeal can only be made by the person on whom the notice was served, **and it must be done within 21 days after the service of the notice.**

The Local RPT is:

Residential Property Southern Region - First Tier Tribunal (Property Chamber)

Havant Justice Centre
The Court House
Elmleigh Road
Havant
Portsmouth
PO9 2AL

Email: rpsouthern@justice.gov.uk

Phone: 01243 779 394

For example, you may appeal:

If you think that some other person who is an owner of the premises to which the notice relates should arrange the works or pay the whole or part of the cost of doing them. If you appeal on this ground, you will have to serve a copy of your notice of appeal on the other person concerned.

If you think making a Prohibition Order under section 20 or 21 or serving a Hazard Awareness Notice under section 28 or 29 or making a Demolition Order under section 265 of the Housing Act 1985 is the

most appropriate course of action in relation of the hazard. If you do so appeal, the Residential Property Tribunal may by order confirm, quash or vary the improvement notice.

Schedule 1, part 3

Right of Appeal against decision of revocation or variation

A relevant person may also appeal to a Residential Property Tribunal against a decision by a local authority to vary an improvement notice or a decision to refuse to revoke or vary an improvement notice. The appeal must be made within 28 days from the date of the decision.

Schedule 1, part 2

Service of Copies of the Improvement Notice

Copies of the notice will be served on every owner, occupier, freeholder, mortgagee or lessee of the premises. These will be served within 7 days from the date the notice is served.

Schedule 1, Part 1

Penalty

It is an offence if a person on whom an improvement notice was served, fails to comply with it. The offence is punishable in the Magistrates' Court by an unlimited fine.

Section 30

Land charge

When the notice becomes operative it will be a local land charge on the premises to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public, and anyone may search for entries upon payment of a fee. Purchasers will normally search this register.

Section 37

Advice

If you do not understand this notice or wish to know more about it you should contact the Council. If you want independent advice about your rights and obligations you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor.

Improvement Notice Section 11

SCHEDULE ONE

Lansdowne Point 51-65 Holdenhurst Road Bournemouth BH8 8EP

Schedule of Hazards and Deficiencies

Hazard	Deficiencies
24-Fire	<p>1. There are what appear to be white Vitrabond ACM panels covering approximately 5% of the external façade from ground to 15th floors. Two samples of cladding from the building have been tested by the Building Research Establishment (BRE) and found to be category 3 ACM. The Vitrabond panels have a reaction-to-fire classification of B-s1, d0 and their use is restricted to buildings below 18m in height.</p> <p>2. There are what appear to be wood effect HPL panels covering 20% of the external façade from the 1st to 15th floors. This appears to be Trespa Meteon. Two kinds of Trespa Meteon panels are manufactured, standard grade and fire resistant grade. No evidence of which of the Trespa Meteon panels are used at Lansdowne Point has been seen. Standard grade panels have a reaction to fire classification of D-s2, d0 and the fire resistant grade panels have a reaction to fire classification of B-s2, d0 (6mm thick with a metal or wood frame; ≥8mm thick with a wood frame) or B-s1, d0 (≥8mm with a metal frame). MHCLG Advice Note 22 Use of HPL Panels in external wall systems states that an external wall system using Class D HPL panels presents a notable fire hazard on buildings over 18m and immediate measures should be taken to remediate such systems. The same Advice Note states that where existing buildings have any HPL panels in combination with combustible insulation immediate action should be taken to consider remediate the system. Areas of HPL on the building are interspersed with ACM feature bands.</p> <p>3. Documentary evidence suggests that MIB Metsip Preformed Structural Walling System panels lie behind the external cladding (ACM, HPL and Bronze) to the building. These panels consist of internal and external face of cement particle board and a polyurethane foam core. The BBA certificate shows that the panels need to be protected from fire by the addition of a further layer of plasterboard or similar. The BBA certificate also states that METSIP is not to be used in buildings over 18m tall. Holes cut in the panels are required to be lined with metal to protect the combustible core.</p> <p>4. Documentary evidence and visual evidence behind the Bronze cladding at the roof terrace suggests the presence of an Ethylene Propylene Diene Monomer (EPDM) membrane behind the cladding. It is not known whether or not the particular EPDM used is fire rated. No BRE 135, BS 8414 testing certificates or BCA guidance of acceptance has been seen to show wall system compliance. The presence of the EPDM membrane may therefore increase the fire load to the cladding system.</p> <p>5. During the visual inspection it was not possible to confirm the presence of cavity barriers or fire stopping within the external cladding system. However, a Bronze cladding panel was open on the external façade adjacent to the flat roof of the commercial kitchen. No fire stopping was visible at the level of the 1st floor.</p> <p>6. BBA certificates for the Trespa and Vitrabond panels state that annual maintenance inspections should be conducted and the system maintained in good order. The façade does not appear to have been maintained well. Gaskets were seen</p>

hanging away from the façade.

7. The majority of studio, bedroom and kitchen/living room windows are adjacent to areas of HPL and/or ACM. The remainder are adjacent to areas of Bronze cladding.

8. Some areas of ACM and HPL cladding are located in areas that give cause for concern, as described in points 11-12 below.

9. Each of the dead end corridors leading from stairway 2 to the east face of the building on the 1st to 11th floors have a window opening onto an area of ACM cladding.

10. Each of the corridors leading from the lift lobbies to the west face of the building on the 1st to 15th floors have a window opening onto an area of Bronze cladding.

12. There are a total of 110 kitchen facilities provided in the studio and cluster flats. Flat kitchens have extractor hoods above cookers. Each of the 393 bedrooms has an en-suite shower room with extract ventilation. Extract ventilation appears to have heat recovery. The termination points of this extract ventilation could not be seen but inspection of access hatches in false ceilings suggested that ducting was directed towards the external walls of flats. Documentary evidence suggests that extract ducting for each flat terminates at the external façade. Without further evidence it is assumed that extract ducting from flats terminates at the cavity behind the external façade of the cladding system. It was not possible to confirm the presence of suitable fire stopping associated with the outlets where they exit the flats.

13. There are concerns regarding the maintenance of fire doors within the building, the sprinkler system, emergency lighting and compartmentation.

Improvement Notice Section 11

SCHEDULE TWO

Lansdowne Point 51-65 Holdenhurst Road Bournemouth BH8 8EP

Schedule of Works

1. Remove ACM and HPL cladding and METSIP insulation from the external façade of the building and replace with materials complying with Euro Class A1 or A2-s1,d0. Provide cavity barriers and fire stopping in accordance with the manufacturer's instructions. On completion the systems shall comply with the requirements of the current edition of the Building Regulations Approved Document B. Provide evidence and documentation that the system has been installed correctly and compliance with Building Regulations has been achieved. This work is to be undertaken under the supervision of a competent person such as a chartered engineer registered with the UK Engineering Council by the Institution of Fire Engineers who shall provide a certificate of satisfactory completion.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

2. Ensure all penetrations through the external wall system, including those for extracts and ventilation ducting comply with the current edition of the Building Regulations and are appropriately fire-stopped. Provide evidence and documentation of installation and compliance. This work is to be undertaken under the supervision of a competent person such as a chartered engineer registered with the UK Engineering Council by the Institution of Fire Engineers who shall provide a certificate of completion.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

3. Ensure louvres to doors and vents to kitchen plant room, switch/plant room, bin store and laundry room are appropriately fire rated and close automatically on activation of the automatic fire detection system. Provide evidence and documentation of installation and compliance.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

4. Ensure that gas supplies to the canteen and plant rooms disconnect automatically on the activation of the fire detection system. On completion provide appropriate certification/commissioning documentation that this has been achieved. This work is to be undertaken by a contractor who is a member BAFE SP203-1 Scheme Document (For the Design, Installation, Commissioning & Maintenance of Fire Detection and Fire Alarm Systems) or equivalent.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

5. The fire door separating the firefighting staircase opening into the entrance lobby on the left hand side of the room and adjacent to the main entrance fire door shall be replaced with a 60 minute fire resisting door set. The door set shall be installed by a certified installer who shall be a member of The BM TRADA Q-Mark Fire Door Installation scheme (or equivalent) who shall provide certification that the door has been installed correctly. A copy of the certificate shall be provided to the Local Authority upon completion.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

6. Employ a chartered engineer registered with the UK Engineering Council by the Institution of Fire Engineers to assess the current arrangements for the fire fighting lift against the requirements of BS 9991:2015, clause 19.3.2.2 and BS EN 81-72 Annexe B. If:
 - the current arrangements are acceptable, the engineer is to issue a certificate declaring the arrangements are fit for purpose. Provide a copy to the local authority.
 - the current arrangement are not acceptable, the lifts are to be enclosed in a fire fighting lobby having the appropriate fire rating.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

7. Remove the 6 minute delay for activation of the communal fire alarm.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

8. Commission an intrusive survey/appraisal of the internal fire compartmentation within the building. The survey is to be conducted by a competent person such as a chartered engineer registered with the UK Engineering Council by the Institution of Fire Engineers. A copy of the report is to be provided to the Local Authority. Complete the works identified by the above survey/appraisal sufficient to correct any deficiencies found in the internal compartmentation such that the required level of fire resistance is provided. The engineer is to certify that the work has been done correctly upon completion. Provide a copy of the certificate to the Local Authority.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

9. Ensure fire doors to the lift lobbies close fully on the rebates by the action of their self-closing devices, including when smoke vents are in the open position. This work is to undertaken by a BM TRADA Q-Mark Fire Door Maintenance scheme member (or equivalent) who shall certify completion of the works. Provide a copy of the certificate to the Local Authority.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

10. All fire doors throughout the premises are to be examined by BM TRADA Q-Mark Fire Door Maintenance scheme member (or equivalent) to ensure that they are fit for purpose and repaired or replaced as necessary.
 - Where it is found necessary to replace a fire door, this must be done as a replacement fire door set and the work is to be undertaken by a certified member of the BM TRADA Q-Mark Fire Door Installation scheme member (or equivalent) who shall certify completion of the works. Copies of the certificate are to be provided to the Local Authority on completion.
 - Where the door is to be repaired/adjusted/has missing intumescent strip/smoke seals, defective door latch/self-closers they are to be replaced to match the manufacturer's specifications and this work is to be carried out by a BM TRADA Q-Mark Fire Door Maintenance scheme member(or equivalent) who shall certify completion of the works. Copies of the certificate are to be provided to the Local Authority on completion.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

11. The current sprinkler system is to be inspected in its entirety by a British Automatic Fire Sprinkler Association (or equivalent) registered engineer who shall report upon the condition of the current system, rectify any defects found, test and re-certify the installation upon completion. A copy of the report and certification shall be forwarded to the Local Authority on completion.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

12. Ensure the exposed insulation to the ceilings of the plant rooms is encapsulated in a non-combustible fire resisting product of Euro-class A2 or better. This work is to be undertaken by a member of the FIRAS Installer certification scheme (or equivalent). Provide copies of the completion certificate to the Local Authority.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

13. Ensure that the stack pipes penetrating switch/plant room ceiling have been appropriately fire stopped with intumescent material in accordance with the requirements of the current edition of Approved Document B of the Building Regulations. This work is to be undertaken by a member of the FIRAS Installer certification scheme (or equivalent). Provide copies of the completion certificate to the Local Authority.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

14. Enclose the flexible plastic ducting in the bin store, switch/plant room, laundry room in fire resisting construction. The ducting is to be fitted with appropriately rated intumescent collars where the ducting passes through fire compartment walls or floors and appropriately fire stopped at junctions with the external cladding in accordance with the requirements of Approved Document B of the Building Regulations. This work is to be undertaken by a member of the FIRAS Installer certification scheme (or equivalent). Provide copies of the completion certificate to the Local Authority.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

15. Enclose the housing for the bin store vent pipe pump in fire resisting material of the appropriate fire rating or move the pump into an adjacent fire compartment. This work is to be undertaken by a member of the FIRAS Installer certification scheme (or equivalent). Provide copies of the completion certificate to the Local Authority.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

16. All vertical and horizontal fire stopping works in the building must be appropriately labelled by a member of the FIRAS Installer certification scheme (or equivalent). On completion of vertical and horizontal fire stopping works in the building, provide the local authority with a schedule of fire stopping, that can be used to readily identify the location of the work, the type of work carried out, e.g. collar installation, fire bat and their level of fire resistance.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

17. Overhaul the windows at the ends of the corridors on all levels leading from stairways 1+ 2 to open and close with ease as they are required for smoke ventilation of the corridors.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

18. Employ a member of the BAFE Emergency Lighting Systems (SP203-4) scheme (or equivalent) to report upon and assess the lighting levels of the emergency lighting system to ensure that there is adequate illumination of the escape routes throughout their length. Install additional luminaires as necessary to ensure the whole system complies with BS 5266 -1 2016 – emergency lighting. Upon completion the engineer shall provide appropriate certification that the whole system complies with the standards. A copy of the certificate is to be provided to the Local Authority.

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

19. The bin store is sign posted as being a suitable escape route from the reception area, however it is not suitable as such as the bin store is an area of higher fire risk. Remove all signage

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020

20. The doors to the bin store and laundry rooms are fitted with electro-magnetic locking systems (EMLS). Ensure that when the automatic fire detection system operates that the EMLS release the doors. Fit metal mortice latch handsets to these doors to hold the door closed when the EMLS is not working. This work is to be carried out by a BM TRADA Q-Mark Fire Door Maintenance scheme member (or equivalent) who shall certify completion of the works. Provide a copy of the certificate to the Local Authority

This work is to be commenced by: 30th April 2020 and be completed by 30th October 2020