



**East Sussex**  
Fire & Rescue Service

**EAST SUSSEX FIRE & RESCUE SERVICE**  
**ENFORCEMENT NOTICE**

**Notice No**  
ESFRS/BH/019/E/07

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

**Name:** Mrs Yasmin Virani

**Address:** Crown House Business Centre  
North Circular Road  
Park Royal  
London  
NW10 7PN

**Premises:** Intergen House  
65-67 Western Road  
Hove  
BN2 3JQ

I, Bruce Townsend on behalf of East Sussex Fire Authority, hereby give you notice that the Fire Authority are of the opinion that, as a person being under an obligation to do so, you have failed to comply with the requirements placed upon you by The Regulatory Reform (Fire Safety) Order 2005 in respect of the above named premises and the 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 Fire Authority constitute the failure(s) to comply with The Regulatory Reform (Fire Safety) Order 2005 are specified in the Schedule to this Notice.

The Fire Authority is further of the opinion that the steps identified in the Schedule to this Notice must be taken to remedy the specified failures to comply with The Regulatory Reform (Fire Safety) Order 2005.

The steps identified in the schedule are to be completed by 4<sup>th</sup> October 2007, unless indicated otherwise.

Unless the steps identified in the Schedule to this Notice have been complied with in the given time limit, you will be deemed not to have complied with this Notice and the Fire Authority may consider a prosecution against you. You may however apply for an extension to this time limit (see notes).

You have the right to appeal against the Notice (see notes), 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' Courts Act 1980 will apply to the proceedings. The bringing of an appeal shall have the effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, the appeal is withdrawn, until the withdrawal of the appeal.

Signature ..... Date .....

(on behalf and duly authorised by the Fire Authority)

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO EFRS/BH/019/E/07 REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005 ISSUED BY EAST SUSSEX FIRE AUTHORITY ON 4<sup>th</sup> April 2007.**

**Name of Premises:** Intergen House  
**Address of Premises:** 65-67 Western Road  
 Hove  
 BN2 3JQ

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 Regulatory Reform (Fire Safety) Order 2005.

**Note:** Notwithstanding any consultation undertaken by the Fire 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 local bodies having a statutory interest in the premises.

**SCHEDULE**

<p><b>The location and details of matters which are considered to be failures to comply with The Regulatory Reform (Fire Safety) Order 2005 are detailed in the column below.</b></p>	<p><b>The steps considered necessary to remedy the failures are detailed in the column below.</b></p>
<p><b>1. Failures under Article 8(1)(a) &amp; (b) of the Regulatory Reform (Fire Safety) Order 2005 supported by Article 4.</b></p> <p>To take such general fire precautions as will ensure the safety of employees and non-employees, in the following areas.</p> <p>1.1. Failure to take measures to reduce the risk of the spread of fire on the premises – lack of two door or corridor approach to the single staircase serving all floors.</p> <p>1.2. Failure to take measures to reduce the risk of the spread of fire on the premises – lack of fire stopping between walls, ceiling surfaces and services access openings at floor/ceiling levels.</p>	<p><b>1.1 The single staircase serving all floors is to be protected with a minimum of 30 minutes fire resistant walls and self-closing doors, in accordance with the standards detailed in the appropriate guide and within Approved Document B of the Building Regulations. Either a lobbied or protected corridor approach is required. Fire doors should include intumescent strips and cold smoke seals.</b></p> <p><b>1.2 Provide and install Fire Stopping in accordance with the standards detailed in the appropriate guide and within Approved Document B of the Building Regulations.</b></p>

<p>1.3. Failure to take measures to reduce the spread of fire on the premise – removal of fire doors leading onto Basement corridor and single staircase.</p> <p>1.4 Failure to take measure to reduce the risk of spread of fire on the premises:- The 3-phase electrical intake situated within the basement corridor is not enclosed in 30 minute fire resisting materials.</p> <p>1.5 Failure to take measures to reduce the risk of spread of fire on the premises – a small kitchen containing sources of ignition (ie microwave, water heater, kettle) are located within the 4<sup>th</sup> floor corridor approach to the single staircase. This kitchen is not protected with 30 minutes fire resistance.</p> <p>1.6 Failure to take measures to reduce the spread of fire on the premises – single door protection between ground floor - west side occupancy and single exit corridor from the building.</p>	<p><b>1.3 The Fire doors are to be re-instated in compliance with the standards detailed in the approved Document B of the Building Regulations.</b></p> <p><b>1.4 Electrical intake cupboard to be made up to provide 30 minutes fire resistance and comply with the standards detailed in the Approved Document B of the Building Regulations.</b></p> <p><b>1.5 Either the kitchen area is to be suitably enclosed with a 30 minutes fire resisting partition and self closing door, to maintain the two door protection to single staircase, in accordance with the standards detailed in the appropriate guide and within Approved Document B of the Building Regulations,</b></p> <p><b>or</b></p> <p><b>The Kitchen should be relocated to another part of the floor, outside the protected corridor enclosure.</b></p> <p><b>1.6 Either the door should be sealed off by a suitable method to provide a 60 minutes standard of fire resistance,</b></p> <p><b>or</b></p> <p><b>a protected lobby incorporating two self closing 30 minutes fire resisting doors should be provided between the occupancy and the single exit corridor.</b></p> <p><b>Either method should be in accordance with the standards detailed in the appropriate guide and within Approved Document B of the Building Regulations.</b></p>
<p><b>2. Failure under Article 9 (1) of the Regulatory Reform (Fire Safety) Order 2005.</b></p> <p>2.1 The risk assessment failed to identify the risks to which relevant persons may be exposed and resulting general fire precautions required under the Order.</p>	<p><b>2.1 Carry out a suitable and sufficient Risk Assessment in accordance with the published guidance.</b></p> <p><b>To be completed by 4<sup>th</sup> May 2007</b></p> <p>For the purposes of identifying the measures to be taken to comply with the</p>



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

1. Contravention of any requirement imposed by an Enforcement Notice is an offence under Article 32 of The Regulatory Reform (Fire Safety) Order 2005 and renders the offender liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to an unlimited fine, or imprisonment for a term not exceeding two years, or both.
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 or 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 provide 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 an Enforcement Notice is served may under Article 35 of the Order appeal to the Magistrates' Court within 21 days from the date on which the Enforcement Notice was served. The bringing of an appeal has the effect of suspending the operation of the Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.
7. The Fire Authority may grant, at their discretion, an extension (or 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 above named Officer.
8. If you are the responsible person you are under an obligation to comply with the provisions of the Order or of any regulations made under it. If you have failed to comply and you and the Fire Authority cannot agree on the measures that are necessary to remedy the failure(s), the question may be referred to the Secretary of State for his determination under Article 36 of the Order.

9. To satisfy the 'Environment and Safety Information Act 1988' the Fire Authority is obliged to enter details of this Enforcement 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; a) the day on which the appeal period in Note 6 above expires, or b) the day on which the appeal is finally disposed of, where an appeal is brought. The following summary of the contents of the notice will be entered on the public register: -

Index (ESFRS/FS/NO./TYPE/YEAR):	ESFRS/BH/019/E/07
Date Served:	4 <sup>th</sup> April 2007
Premises address or name of person served upon if address not available:	Intergen House 65-67 Western Road Hove BN2 3JQ
Type of notice served:	Enforcement Notice
Legislation:	The Regulatory Reform (Fire Safety) Order 2005
Particulars:	<ol style="list-style-type: none"> <li>1. <b>Failures under Article 8(1)(a) &amp; (b) of the Regulatory Reform (Fire Safety) Order 2005</b> – <ol style="list-style-type: none"> <li>1.1 Failure to provide adequate fire protection to the single staircase serving all floors.</li> <li>1.2. Failure to provide fire stopping between walls, ceiling surfaces and services access openings at floor and ceiling levels.</li> <li>1.3. Failure to ensure adequate fire separation between the basement corridor and single staircase.</li> <li>1.4. Failure to enclose the 3-phase electrical intake equipment situated within the basement corridor with 30 minutes fire resisting construction.</li> <li>1.5. Failure to enclose the kitchen, located within the 4<sup>th</sup> floor corridor approach to the single staircase, with fire resisting construction.</li> <li>1.6. Failure to provide adequate fire protection between the ground floor west side occupancy and the single exit corridor from the building.</li> </ol> </li> <li>2. <b>Failure under Article 9(1) of the Regulatory Reform (Fire Safety) Order 2005</b> – The fire risk assessment fails to identify the risks to which relevant persons may be exposed and resulting general fire precautions required.</li> <li>3. <b>Failure under Article 13(1)(a) of the Regulatory Reform (Fire Safety) Order 2005</b> – Failure to provide an adequate fire detection and fire warning system throughout the premises.</li> <li>4. <b>Failure under Article 14(2)(h) of the Regulatory Reform (Fire Safety) Order</b> – Failure to provide emergency lighting throughout the emergency routes and exits</li> </ol>

	of the premises.
Date of any amendment of the notice:	

The actual notice will also appear on the register.

10. The works or actions specified in the Notice are only intended to ensure a satisfactory standard of fire precautions that will comply with the Order. The Notice is issued without prejudice to any other enforcement action that may be taken by this or any other enforcement authority.
11. The Fire Authority would be willing to consider and reasonably assist with any proposals you may have to remedy the matters specified in the Notice.
12. To assist with administration procedures, it would be helpful if you could quote the reference number (at the top of this Notice) when dealing with The Fire Authority.