



East Sussex
Fire & Rescue Service

EAST SUSSEX FIRE & RESCUE SERVICE
ENFORCEMENT NOTICE

Notice No
ESFRS/BH/021/E/07

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

Name: Mr C Steward

Address: 48 Trafalgar Street, Brighton, BN1 4ED

Premises: Prince Albert Public House

I, Doug Moody 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 05 July 2007.

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effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, the appeal is withdrawn, until the withdrawal of the appeal.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

(on behalf and duly authorised by the Fire Authority)

Date

SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO EFRS/BH/021/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 04 JUNE 2007.

Name of Premises: Prince Albert Public House

Address of Premises: 48 Trafalgar Street, Brighton, BN1 4ED

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

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.	The steps considered necessary to remedy the failures are detailed in the column below.
<p>1. Failures under Article 8(1)(a) & (b) of the Regulatory Reform (Fire Safety) Order 2005 supported by Article 4.</p> <p><i>(The responsible person must take such general fire precautions as will ensure the safety of those persons present).</i></p> <p>1.1 Failure to take measures to reduce the risk of the spread of fire and smoke throughout the premises.</p> <p>The fire-resisting doors to rooms and cupboards on the internal escape staircase do not meet current standards of fire resistance.</p>	<p>1.1 All internal fire resisting doors (or alternatively their respective door frames) are to be fitted with intumescent strips and cold smoke seals.</p> <p>DATE REQUIRED: 05 JULY 2007</p>
<p>2. Failure under Article 9(1) of the Regulatory Reform (Fire Safety) Order 2005.</p> <p><i>(The Responsible Person must carry out a suitable and sufficient fire risk assessment. This risk assessment must identify the general fire precautions needed to comply with the legislation).</i></p>	

<p>2.1 The existing Fire Safety Risk Assessment is not considered suitable and sufficient and must be reviewed in view of the present conditions of the premises.</p>	<p>2.1 Carry out a suitable and sufficient Risk Assessment in accordance with the published guidance.</p> <p>Your risk assessment should adequately address the needs of all people, including disabled people who may be on the premises and ensure that they can safely leave the building in the event of a fire.</p> <p>For the purposes of identifying the measures to be taken to comply with the relevant legislation, information on how to carry out a fire risk assessment has been published by HM Government in the form of a series of Fire Safety Risk Assessment Guides for different uses of premises. They are available for free download at: http://www.firesafetyguides.communities.gov.uk or can be purchased at bookshops. If the Responsible Person feels that they do not have the necessary experience or expertise to do this, they must appoint one or more competent persons to assist them in identifying the general fire precautions needed to comply with the requirements and prohibitions imposed by this Order. Where an employee is deemed to be a competent person they should be appointed in preference to someone from outside of the workforce.</p> <p>DATE REQUIRED: 05 JULY 2007</p>
<p>3. Failure under Article 11(1) & (2) of the Regulatory Reform (Fire Safety) Order 2005.</p> <p><i>(The responsible person must make and give effect to such arrangements as are appropriate, having regard to the size of his undertaking and the nature of its activities, for the effective planning, organisation, control, monitoring and review of the preventative and protective measures. These arrangements must be recorded where the responsible person employs five or more employees).</i></p> <p>3.1 A fire safety policy document has not been prepared that provides effective planning, organisation, control, monitoring and review of the preventative and protective measures within the premises.</p>	<p>3.1 Produce a fire safety policy document which includes an emergency plan to ensure that the people in your premises know what to do if there is a fire, how the premises can be safely evacuated and ensures that the preventative and protective measures provided are effectively monitored and controlled.</p>

	<p>In drawing up the emergency plan, you Need to take the results of your risk assessment into account.</p> <p>DATE REQUIRED: 05 JULY 2007</p>
<p>4. Failure under Article 14(2)(g) of the Regulatory Reform (Fire Safety) Order 2005.</p> <p><i>(In the event of danger it must be possible to evacuate the premises quickly and safely. The number and distribution of exit routes must be adequate in the circumstances. Emergency exit routes must be adequately lit by normal and emergency lighting).</i></p> <p>4.1 Failure to adequately indicate the emergency exit routes and exits with appropriate signs.</p> <p>4.2 Failure to ensure that routes to emergency exits are adequately maintained to enable persons to quickly and safely evacuate the premises.</p>	<p>4.1 Provide suitable and sufficient fire escape signage in accordance with the current British Standard 5499 to indicate all fire exits and routes of exit.</p> <p>DATE REQUIRED: 05 JULY 2007</p> <p>4.2 Provide the self-closing kitchen door at first floor level with an automatic hold open device capable of releasing the door on operation of the fire alarm. .</p> <p>Doors which are held open in this manner should be closed when not in use.</p> <p>DATE REQUIRED: 05 JULY 2007</p>
<p>5. Failure under Article 17(1) of the Regulatory Reform (Fire Safety) Order 2005.</p> <p><i>(The responsible person must ensure that any facilities, equipment and devices provided in relations to fire safety matters within the premises are maintained in an efficient state, in efficient working order and in good repair).</i></p>	
<p>5.1 Failure to adequately maintain existing self closing devices on fire doors.</p>	<p>5.1 The self-closing devices fitted to the fire resisting doors are to be maintained to ensure that the doors close fully and tightly against the doorstops at all times.</p> <p>DATE REQUIRED: 05 JULY 2007</p>

<p>5.2 Failure to ensure that the fire alarm system provided within the premises is adequately maintained.</p> <p>5.3 Failure to ensure that the emergency lighting system provided within the premises is adequately maintained.</p> <p>5.4 Failure to ensure that portable electrical equipment (PAT) is subject to regular testing.</p> <p>5.5 Failure to adequately maintain fire resistance within the structure of the premises.</p>	<p>5.2 The fire alarm system is to be maintained and tested regularly as required by the current British Standard. Appropriate records of this maintenance and testing are to be kept.</p> <p>DATE REQUIRED: 05 JULY 2007</p> <p>5.3 The emergency lighting system is to be maintained and tested regularly as required by the current British Standard. Appropriate records of this maintenance and testing are to be kept.</p> <p>DATE REQUIRED: 05 JULY 2007</p> <p>5.4 Portable electrical appliances are to be tested regularly by a competent electrical engineer. Appropriate records of this testing are to be kept.</p> <p>DATE REQUIRED: 05 JULY 2007</p> <p>5.5 Repairs to be made to provide 1 hour fire resistance to the ceiling/wall joints and to the breaches in panels created by tradesmen.</p> <p>Provide 1 hour fire resistance to the decorative feature on the landing between ground and first floor stairway.</p> <p>DATE REQUIRED: 05 JULY 2007</p>
<p>6. Failure under Article 20 of the Regulatory Reform (Fire Safety) Order 2005.</p> <p><i>(The responsible person must ensure that the employer of any employees, and those employees, from an outside undertaking are provided with comprehensible and relevant information on the risks and fire safety measures taken within the premises).</i></p>	

<p>6.1 Failure to provide comprehensible and relevant information to the employer of employees from outside undertakings.</p>	<p>6.1 Provide comprehensible and relevant information to employers and the self-employed from outside undertakings which relates to the fire safety risks and other arrangements within the premises.</p> <p>In particular, a “permit to work” policy should be introduced in relation to hot cutting/plumbing and other similar work activities.</p> <p>DATE REQUIRED: 05 JULY 2007</p>
<p>7. Failure under Article 21(2)(a) of the Regulatory Reform (Fire Safety) Order 2005.</p> <p><i>(The responsible person must ensure that their employees are provided with adequate safety training. Such training should be repeated on a regular basis).</i></p> <p>7.1 Failure to provide adequate fire safety training to enable employees etc. to safeguard themselves and other persons on the premises.</p>	<p>7.1 Provide fire safety training to all staff. The training to include suitable and sufficient instruction on appropriate precautions and actions to be taken by the employee in order to safeguard himself and other relevant persons on the premises in the event of fire.</p> <p>A competent person must carry out the training and instruction. A record of all training is to be maintained and made available to the Enforcing Authority on request.</p> <p>DATE REQUIRED: 05 JULY 2007</p>

The Fire Authority considers that the above detailed steps will achieve a satisfactory minimum standard of fire safety in the premises. Alternative ways of achieving an equivalent standard may be available and any request for the Fire Authority to consider alternative proposals should be submitted as a matter of urgency. Additional time is unlikely to be allowed for completion of any alternative proposals unless such requests are received promptly.

**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/021/E/07
Date Served:	4 June 2007
Premises address or name of person served upon if address not available:	Prince Albert Public House 48 Trafalgar Street, Brighton, BN1 4ED
Type of notice served:	Enforcement Notice
Legislation:	The Regulatory Reform (Fire Safety) Order 2005
Particulars:	[This box will contain a link to the actual Enforcement Notice to allow it to be viewed]
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.

The Fire Authority considers that the above detailed steps will achieve a satisfactory minimum standard of fire safety in the premises. Alternative ways of achieving an equivalent standard may be available and any request for the Fire Authority to consider alternative proposals should be submitted as a matter of urgency. Additional time is unlikely to be allowed for completion of any alternative proposals unless such requests are received promptly.