



**East Sussex**  
Fire & Rescue Service

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

**Notice No**  
ESFRS/BH/032/E/07

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

**Name of Premises:** Peeweess  
**Address of Premises:** 12 Market Street  
Brighton  
BN1 1HH  
**Name of Responsible Person:** Mr L Gold

I, Neil Biffen 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 failure(s) to comply with The Regulatory Reform (Fire Safety) Order 2005.

The steps identified in the schedule are to be completed by the dates indicated in the Schedule.

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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.

Signature ..... Date: 11 December 2007  
(on behalf of, and duly authorised by, East Sussex Fire Authority)

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO EFRS/BH/032/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 11 DECEMBER 2007.**

**Name of Premises:** Peeweess

**Address of Premises:** 12 Market Street, Brighton BN1 1HH

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, along with the steps considered necessary to remedy the failures.**

**1. Failure under Article 8(1)(a) & 8(1)(b) of the Regulatory Reform (Fire Safety) Order 2005.**

*(The responsible person must take such general fire precautions as will ensure the safety of all persons present).*

**1.1 Failure**

The Responsible Person has failed to ensure adequate fire separation between basement and ground floors.

**Remedy**

Separate the basement and ground floors with structural fire resisting construction in accordance with the standards detailed in the appropriate Government Fire Safety guide.

**DATE REQUIRED: 10 JUNE 2008**

**1.2 Failure**

The Responsible Person has failed to take measures to reduce the risk of the spread of fire and smoke throughout the premises.

**Remedy**

The escape route from the second floor via the single staircase to ground level to be made a protected route by enclosing it throughout its height by construction having a fire resistance of at least half an hour in accordance with the standards detailed in the appropriate Government Fire Safety guide. All doorway openings in the enclosure which connect with a floor area to be fitted with self closing fire check doors of equivalent standard of fire resistance and maintained self closing. Fire doors should include intumescent strips and cold smoke seals.

**DATE REQUIRED: 10 JUNE 2008**

**1.3 Failure**

The Responsible Person has failed to enclose the electrical intake situated under the basement stairs with adequate fire resisting construction.

**Remedy**

The electrical distribution equipment is to be enclosed by construction having a fire resistance of at least half an hour. The underside of the stairs within the cupboard should also be lined to achieve the same degree of fire resistance.

**DATE REQUIRED: 12 FEBRUARY 2008**

1.4 **Failure**

The Responsible Person has failed to ensure that the electrical installation within the premises is subjected to regular testing and maintenance by a competent person.

**Remedy**

The electrical installation is to be tested by a competent electrical engineer and any defects rectified. Appropriate records of this testing are to be maintained.

**Supporting Information**

The requirements for the periodic inspection and testing of electrical installations are detailed in Chapter 73 of BS 7671. Such testing should include an annual service and detailed test of the system by a competent engineer. Further information is given in Guidance Note Number 3 to the Wiring Regulations – "Inspection and Testing".

**DATE REQUIRED: 12 FEBRUARY 2008**

1.5 **Failure**

The Responsible Person has failed to ensure that portable electrical appliances are subject to regular testing.

**Remedy**

Portable electrical appliances are to be tested regularly by a competent electrical engineer. Appropriate records of this testing are to be maintained.

**Supporting Information**

PAT testing or portable appliance testing is an important part of any health & safety policy. The Institution of Electrical Engineers publish the "Code of Practice for In-service Inspection and Testing of Electrical Equipment" (ISBN: 0-85296-776-4). This guide forms the basis for portable appliance testing in the U.K.

**DATE REQUIRED: 12 FEBRUARY 2008**

**2. Failure under Article 9 of the Regulatory Reform (Fire Safety) Order 2005.**

*(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).*

2.1 **Failure**

The responsible person has failed to carry out a fire risk assessment for the premises.

**Remedy**

Carry out a fire risk assessment in accordance with the published guidance.

**Supporting Information**

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.

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 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.

**DATE REQUIRED: 12 FEBRUARY 2008**

**3. Failure under Article 13 of the Regulatory Reform (Fire Safety) Order 2005.**

*(The responsible person must ensure that the premises are equipped with appropriate fire detectors and alarms).*

**3.1 Failure**

The responsible person has failed to ensure that a fire detection and warning system is fitted within the premises which provides adequate coverage and meets current standards.

**Remedy**

Install a fire detection and alarm system within the premises so as to comply with the standard detailed in the appropriate HM Government Guide. Sufficient automatic detection should be provided to suit the particular circumstances and to meet the findings of the premises' fire risk assessment. The system should comply with BS 5839: Part 1.

**DATE REQUIRED: 10 JUNE 2008**

**3.2 Failure**

The responsible person has failed to ensure that the firefighting equipment provided within the premises is easily accessible and appropriately sited.

**Remedy**

The firefighting equipment provided should be sited so that it is easily accessible with the extinguishers hung on brackets. The tops of the appliances should be not more than 1.3m (4ft 6ins) above the floor.

**Supporting Information**

The selection, siting and location of extinguishers should comply with the standards set out in BS5306 Part 8.

**DATE REQUIRED: 12 FEBRUARY 2008**

**4. Failure under Article 14(2)(g) and 14(2)(h) of the Regulatory Reform (Fire Safety) Order 2005.**

*(The responsible person must ensure that emergency routes and exits are indicated by signs and that emergency routes and exits requiring artificial illumination are provided with suitable emergency lighting and that the emergency lighting will operate if the normal lighting fails).*

**4.1 Failure**

The responsible person has failed to ensure that the escape routes from the premises are provided with adequate signage.

**Remedy**

Provide suitable and sufficient fire escape signage throughout the premises to indicate all fire exits and routes of exit in accordance with BS 5499 Part 4.

**DATE REQUIRED: 12 FEBRUARY 2008**

**4.2 Failure**

The responsible person has failed to ensure that adequate emergency lighting is provided within the emergency exit routes of the premises.

**Remedy**

Provide emergency lighting throughout the common parts of the premises in accordance with the current BS 5266: Part 1 and the findings of your fire risk assessment.

**DATE REQUIRED: 10 JUNE 2008**

**5. Failure under Article 17 of the Regulatory Reform (Fire Safety) Order 2005.**

*(The responsible person has failed to adequately maintain the firefighting equipment provided within the premises).*

**5.1 Failure**

The firefighting equipment 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.

**Remedy**

The requirements for the testing and maintenance of firefighting equipment are detailed in Appendix L of BS 5588: Part 12. Such testing should include a daily inspection by the premises occupier and an annual service and detailed test of the extinguishers by a competent engineer.

**DATE REQUIRED: 12 FEBRUARY 2008**

**6. Failure under Article 21 of the Regulatory Reform (Fire Safety) Order 2005.**

*(The responsible person must ensure that their employees are provided with adequate safety training. Such training should be repeated on a regular basis).*

**6.1 Failure**

The Responsible Person has failed to provide adequate fire safety training to enable employees etc. to safe-guard themselves and other persons on the premises.

**Remedy**

Provide appropriate fire safety training to all staff. The training is to include suitable and sufficient instruction on appropriate precautions and actions to be taken by the employee in order to safeguard themselves and other relevant persons on the premises in the event of fire. 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.

**DATE REQUIRED: 12 FEBRUARY 2008**

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:-

Notice	Name and Address of Premises	Legislation	
Enforcement Notice: ESFRS/BH/032/E/07	Peeweess 12 Market Street Brighton BN1 1HH	The Regulatory Reform (Fire Safety) Order 2005.	
	<b>Particulars</b>		<b>Date</b>
	Notice Issued. Click <a href="#">[here]</a> to view the notice.		11 December 2007

The Public Register can be accessed via the internet at **www.esfrs.org** and this actual notice may be viewed by clicking on the link shown in the table above.

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, enforcing 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.