



East Sussex
Fire & Rescue Service

EAST SUSSEX FIRE & RESCUE SERVICE
ENFORCEMENT NOTICE

Notice No
ESFRS/HA/001/E/07

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

Name: Mr Metin Dogrucan

Address: Marabou Mansions, 60 Devonshire Road, Bexhill on Sea, East Sussex TN40 1AX

Premises: Marabou Mansions, 60 Devonshire Road, Bexhill on Sea, East Sussex TN40 1AX

I, Danny Sherman 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 failures 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 **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effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, the appeal is withdrawn, until the withdrawal of the appeal.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/HA/001/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 17 January 2007.

Name of Premises: Marabou Mansions

Address of Premises: 60 Devonshire Road, Bexhill on Sea, East Sussex TN40 1AX

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>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.</p>	<p>The steps considered necessary to remedy the failures are detailed in the column below.</p>
<p>1. Failure under Article 8(1) (a) & (b) of the Regulatory Reform (Fire Safety) Order 2005 supported by Article 4.</p> <p>Failure 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 - Excessive travel distances and lack of structural fire resistance between the Kitchen/Restaurant/Café areas.</p> <p>1.2 Failure to take measures to reduce the risk of the spread of fire on the premises – Formation of two openings between Kitchen/Restaurant and Restaurant/Café.</p> <p>1.3 Failure to take measures to reduce the risk of the spread of fire on the premises - Formation of covered shelter on first floor flat roof breaching integrity of fire lobby protection to staircase and bedroom corridor.</p>	<p>1.1 Reinstate the fire resisting self closing doors at the front and rear of the Kitchen. All fire doors to be maintained effectively self closing and tight fitting.</p> <p>1.2 To safeguard the means of escape, these openings should be provided with self-closing fire resisting doors to provide a minimum of 30 minutes fire protection. The fire doors to be maintained effectively self closing and tight fitting.</p> <p>1.3 Remove shelter and contents from first floor flat roof. Apply appropriate signage to door to flat roof to indicate no escape from staircase.</p> <p><u>All to be completed by 5 April 2007</u></p>

2. Failure under Article 9 (1) of the Regulatory Reform (Fire Safety) Order 2005.

2.1 A Fire Risk Assessment has not been carried out.

3. Failure under Article 11 (1) & (2) of the Regulatory Reform (Fire Safety) Order 2005.

3.1 A fire safety policy document has not been prepared.

2.1 Carry out a suitable and sufficient Risk Assessment in accordance with the published guidance.

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 on download at <http://www.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 him in identifying the general fire precautions he needs to comply with the requirements and prohibitions imposed on him by this Order. Where there is competent person in the Responsible Person's employment, that person must be appointed in preference to a person not in his employment.

To be completed by 5 April 2007

3.1 Produce an emergency plan to ensure people in your premises know what to do if there is a fire and to ensure that the workplace can be safely evacuated. In drawing up the emergency plan, you need to take the results of your risk assessment into account.

To be completed by 22 February 2007

4. Failure under Article 13 (1) (a) & 13 (2) of the Regulatory Reform (Fire Safety) Order 2005.

4.1 There is an inadequate fire detection and warning system throughout the premises.

4.1 Provide an appropriate fire alarm and fire detection system within the premises having regard to the outcome of your fire safety risk assessment and the standards indicated by the appropriate guide. The fire alarm system should comply with the British Standard 5839 Part 1 2002 or equivalent standard.

In the Fire Authority's opinion a BS5839 Part 1, 2002, L2 system would be appropriate

To be completed by 18 October 2007

5. Failure under Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005.

5.1 The general fire precautions are inadequately maintained.

5.1 The premises and any facilities, equipment and devices provided in respect of the premises under this Order must be subject to a suitable system of maintenance; must be maintained in an efficient state; in efficient working order and in good repair. Details of this activity should be recorded. This includes all fire doors, emergency lighting and fire alarm system currently fitted in the premises.

To be completed by 22 February 2007

5.2 The general fire precautions are inadequately maintained

5.2 All elements of the existing fire alarm system must be tested and commissioned in accordance with BS 5839 Pt 1 2002 by a competent service engineer.

To be completed by 22 February-2007

<p>5.3 Self closing fire resisting doors throughout the premises are not being maintained to close fully and tightly onto the stops.</p> <p>6. Failure under Article 21 (2) 1a of the Regulatory Reform (Fire Safety) Order 2005</p> <p>6.1 Inadequate safety training is provided to enable the employees to safeguard themselves and other persons on the premises.</p>	<p>5.3 Maintain all fire resisting self closing doors to close fully and tightly onto stops.</p> <p><u>To be completed by 5 April 2007</u></p> <p>6.1 The Responsible Person must ensure that the employees' fire safety training includes suitable and sufficient instruction and training on the 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. A record of all training is to be maintained and made available to the Enforcing Authority on request.</p> <p><u>To be completed by 22 February 2007</u></p>

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 the Fire Authority will consider alternative proposals on request. However no additional time will be allowed for completion of any alternative proposals.

**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/HA/001/E/07
Date Served:	17 February 2007
Premises address or name of person served upon if address not available:	Marabou Mansions 58-60 Devonshire Road Bexhill On Sea
Type of notice served:	Enforcement Notice
Legislation:	The Regulatory Reform (Fire Safety) Order 2005
Particulars:	Contravention of Articles 8,9,11,13,17 & 21
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.