



East Sussex
Fire & Rescue Service

EAST SUSSEX FIRE & RESCUE SERVICE
ENFORCEMENT NOTICE

Notice No
ESFRS/RO/003/E/07

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

Name: Mr Robert Press
Name of Premises: Playden Oasts Hotel
Address of Premises: Playden Oasts Hotel, Rye Road, Rye, TN31 7UL

I, Richard Fowler, 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effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, the appeal is withdrawn, until the withdrawal of the appeal.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 ESFRS/RO/003/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 4TH MAY 2007.

Name of Premises: Playden Oasts Hotel

Address of Premises: Rye Road, Rye, TN31 7UL

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. Failure under Article 8 of the Regulatory Reform (Fire Safety) Order 2005.</p> <p><i>(The responsible person must take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe).</i></p> <p>1.1 Fire resisting self-closing doors are being held open by portable extinguishers and other items.</p>	<p>1.1 All fire resisting self-closing doors must be maintained in an effective state and capable of operating as designed.</p> <p>To be completed by 4th June 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 Failure to complete a suitable and sufficient fire risk assessment for the premises.</p>	<p>2.1 Carry out a suitable and sufficient Risk Assessment in accordance with the published guidance.</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.govuk 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 an employee is deemed to be a competent person they should be appointed in preference to someone from outside of the workforce.</p> <p>To be completed by 4th June 2007</p>
<p>3. Failure under Article 11(1) & 11(2) of the Regulatory Reform (Fire Safety) Order 2005.</p> <p><i>(The responsible person must make and give effect to appropriate arrangements for the effective planning, organisation, control, monitoring and review of the preventative and protective measures).</i></p> <p>3.1 Failure to produce and implement a fire safety policy document and emergency action plan relating to the fire precautions within the premises.</p>	<p>3.1 Produce, and give effect to, an emergency plan to ensure people in the 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.</p> <p>To be completed by 4th June 2007</p>

<p>4. Failure under Article 13(1), 13(2) & 13(3)(b) of the Regulatory Reform (Fire Safety) Order 2005.</p> <p><i>(The responsible person must ensure that the premises are equipped with appropriate fire detectors and alarms. Competent persons must also be nominated to operate any Firefighting equipment provided).</i></p> <p>4.1 The existing fire detection and fire warning system currently fitted within the premises provides inadequate coverage and does not meet current standards.</p> <p>4.2 Persons have not been nominated or trained to operate portable fire fighting equipment.</p>	<p>4.1 Upgrade the current fire alarm and fire detection system within the premises to conform with the standards detailed in the appropriate HM Government Guide. The fire alarm system should comply with BS 5839: Part 1 or equivalent.</p> <p>In the Fire Authority's opinion, a BS 5839: Part 1: Category L2 System would be appropriate.</p> <p>To be completed by 4th November 2007</p> <p>4.2 Train an adequate number of staff in the use of portable fire fighting equipment.</p> <p>To be completed by 4th June 2007</p>
<p>5. Failure under Article 14 (1) of the Regulatory Reform (Fire Safety) Order 2005.</p> <p><i>(The responsible person must ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times).</i></p> <p>5.1 Routes to emergency exits are being used to store material (boxes, books etc).</p>	<p>5.1 All routes to emergency exits from the premises and the emergency exits themselves are to be kept clear at all times.</p> <p>To be completed by 4th June 2007</p>

<p>6. 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 the premises are maintained in an efficient state, in efficient working order and in good repair).</i></p> <p>6.1 The fire alarm system provided within the premises is not being maintained and tested to ensure that it is in an effective state, in efficient working order and in good repair.</p> <p>6.2 The emergency lighting system provided within the premises is not being maintained and tested to ensure it is in an effective state, in efficient working order and in good repair.</p> <p>6.3 Portable electrical appliance testing is not being carried out.</p>	<p>6.1 Implement suitable weekly and other testing as required under <i>BS 5839-1 Fire detection and alarm systems for buildings. Code of practice for system design, installation, commissioning and maintenance.</i> Record details of all tests.</p> <p>To be completed by 4th June 2007</p> <p>6.2 Implement suitable monthly and other testing as required under <i>BS 5266-8 Code of practice for emergency escape lighting systems.</i> Record details of all tests.</p> <p>To be completed by 4th June 2007</p> <p>6.3 Implement a suitable testing programme for portable electrical appliances. Record details of all testing.</p> <p>Guidance may be found in: <i>Maintaining portable electrical equipment in offices and other low-risk environments</i>, INDG236 HSE Books, 1996.</p> <p>To be completed by 4th July 2007</p>
<p>7. Failure under Article 18 (1) of the Regulatory Reform (Fire Safety) Order 2005.</p> <p><i>(The responsible person must appoint one or more competent persons to assist him/her in undertaking the preventative and protective measures required).</i></p> <p>7.1 No competent persons have been appointed to assist the responsible person in undertaking their preventative and protective measures.</p>	<p>7.1 Appoint suitable competent persons to assist with preventative and protective measures.</p> <p>To be completed by 4th June 2007</p>
<p>8. Failure under Article 19(1) & 19(4) of the Regulatory Reform (Fire Safety) Order 2005.</p> <p><i>(Comprehensible and relevant information, regarding matters relating to fire safety, is to be provided to employees).</i></p>	

<p>8.1 Comprehensible and relevant information on risks and other fire related matters as detailed in sub sections 19(1) (a - e) has not been provided to employees.</p>	<p>8.1 Following the completion of the Fire Risk Assessment, all relevant matters that may be highlighted, must be explained to staff.</p> <p>To be completed by 4th June 2007</p>
<p>9. Failure under Article 21(1) & 21(2) 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>9.1 A suitable programme of refresher training in Fire Safety matters has not been implemented.</p>	<p>9.1 Provide adequate refresher training in Fire Safety matters. This training should be recorded.</p> <p>To be completed by 4th June 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/RO/003/E/07
Date Served:	4 th May 2007
Premises address or name of person served upon if address not available:	Playden Oasts Hotel, Rye Road, Rye, TN31 7UL
Type of notice served:	Enforcement Notice
Legislation:	The Regulatory Reform (Fire Safety) Order 2005
Particulars:	
1. Failure under Article 8	Fire doors are not being maintained in an effective state and capable of operating as designed.
2. Failure under Article 9(1)	No risk assessment completed.
3. Failure under Article 11(1) & 11(2)	No fire safety policy document produced.
4. Failures under Article 13(1), 13(2) & 13(3)	Inadequate fire alarm system. No staff trained in use of fire fighting equipment.
5. Failure under Article 14(1)	Emergency exits & exit routes not kept clear.
6. Failures under Article 17(1)	Fire alarm system not being maintained and tested. Emergency lighting not being maintained and tested. Portable electrical appliances not being tested.
7. Failure under Article 18(1)	No competent person appointed.
8. Failure under Article 19(1) & 19(4)	Risk information not provided to employees.
9. Failure under Article 21(1) & 21(2)	No fire safety refresher training being carried out.
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.