



**East Sussex**  
Fire & Rescue Service

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

**Notice No**  
ESFRS/WE/01/E/07

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

**Name:** Mr Blundell

**Address:** Middle House Hotel, High Street, Mayfield

**Premises:** Middle House Hotel, High Street, Mayfield

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 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 specified 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effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, the appeal is withdrawn, until the withdrawal of the appeal.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 ESFRS/WE/01/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 14 FEBRUARY 2007.**

**Name of Premises:** Middle House Hotel

**Address of Premises:** High Street, Mayfield

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><b>1. Article 9 – Risk Assessment</b></p> <p>Failure to complete a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions required within the premises.</p> <p><b>2. Article 13 – Fire Detection</b></p> <p>Failure to provide appropriate fire detectors and alarms throughout the premises.</p>	<p><b>A timetable must be produced which clearly states a proposed completion date for each item identified in the premises action plan as drawn up by Fireco as part of the risk assessment.</b></p> <p><b>To be completed by 15 March 2007</b></p> <p><b>The findings of the risk assessment and the action plan must be implemented in full.</b></p> <p><b>To be completed by 15 August 2007</b></p> <p><b>Provide a suitable electrical fire detection and warning system throughout the premises. The system to comply with British Standard 5839: Part 1: 2002 (or equivalent).</b></p> <p>The scope and design of the system to be determined by the premises fire risk assessment.</p> <p>In the Fire Authority’s opinion a British Standard 5839: Part 1: 2002, Category L2 system with smoke detectors in all sleeping areas would be appropriate.</p> <p><b>To be completed by 15 August 2007</b></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/WE/01/E/07
Date Served:	14 February 2007
Premises address or name of person served upon if address not available:	Middle House Hotel, High Street, Mayfield
Type of notice served:	Enforcement Notice
Legislation:	The Regulatory Reform (Fire Safety) Order 2005
Particulars:	<p><b>Article 9 – Risk Assessment</b> Failure to complete a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions required within the premises.</p> <p><b>Article 13 – Fire Detection</b> Failure to provide appropriate fire Detectors and alarms throughout the Premises.</p>
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.