

SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO EFRS/EA/008/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 20TH SEPTEMBER 2007.

Name of Premises: Hilton Royal Parade Hotel

Address of Premises: 35-38 Royal Parade
Eastbourne
BN22 7AN

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 take measures to reduce the risk of the spread of fire and smoke throughout the premises.

Remedy

All cupboards under stairs that are not fully enclosed with fire resisting construction should be cleared of all combustible materials and screwed or tightly locked shut.

DATE REQUIRED: 20 October 2007

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

DATE REQUIRED: 30 November 2007

Supporting Information

The requirements for the periodic inspection and testing of the electrical installation 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”.

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 ensure that the fire risk assessment is suitable and sufficient in the circumstances.

Remedy

The risk assessment should be revised so that it is suitable and sufficient in the circumstances. When completing a fire risk assessment you are advised to follow published guidance.

DATE REQUIRED: 20 October 2007

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.

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

(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).

3.1 Failure

The responsible person has failed to make and give effect to appropriate fire safety arrangements relating to the fire precautions within the premises.

Remedy

The responsible person should make and give effect to appropriate fire safety arrangements relating to the fire precautions within the premises.

DATE REQUIRED: 20 October 2007

Supporting Information

Such arrangements should show what is to be done, who is responsible for ensuring that it is done and when it is scheduled to take place. In making and giving effect to such arrangements, the following matters should be considered:

- Has a senior manager within the organisation been appointed to take responsibility for all matters relating to fire safety?
- Have other managers been delegated fire safety duties relevant to their role?
- Has a fire risk assessment been planned, completed, reviewed, etc.?
- Has staff training (including induction and refresher training) been scheduled?
- Have fire drills been planned and scheduled?
- Has appropriate equipment maintenance been scheduled and booked?
- Are records (of training, maintenance etc.) being maintained and updated?
- Are all of the above matters written-in to a fire safety policy document?

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

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

4.1 Failure

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

Remedy

Upgrade the current fire detection and alarm system within the premises so as to comply with the standard detailed in the appropriate HM Government Guide. The fire alarm system should comply with BS 5839: Part 1 or equivalent.

In the Fire Authority's opinion, a BS 5839: Part 1: Category L2 System would be appropriate.

DATE REQUIRED: 20 March 2008

5. Failure under Article 14(2)(b), 14(2)(e), 14(2)(f), 14(2)(g) and 14(2)(h) of the Regulatory Reform (Fire Safety) Order 2005.

(The responsible person must ensure that, in the event of danger, it is possible for persons to evacuate the premises quickly and safely).

5.1 Failure

The responsible person has failed to ensure that sliding and revolving doors are not used as emergency exits from the premises.

Remedy

The responsible person must ensure that the emergency exits from the premises are arranged so that sliding and revolving doors are not required to be used as emergency exits.

DATE REQUIRED: 20 March 2008

5.2

Failure

The responsible person has failed to ensure that emergency exit doors are capable of being opened easily and quickly in the event of emergency.

Remedy

Emergency exit doors must be provided with appropriate door fastenings to ensure that they are readily available for use at all times when persons are on the premises.

Any door providing a means of escape and which is required to be kept locked should be fitted with a type of lock capable of being opened easily and quickly in an emergency without the use of a key, card or digital lock and without having to manipulate more than one mechanism.

Devices which require training to enable them to be used are not suitable for premises frequented by the public.

DATE REQUIRED: 20 October 2007

5.3

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 in accordance with BS 5499 Part 4, to indicate all fire exits and routes of exit.

DATE REQUIRED: 20 October 2007

5.4

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: 20 March 2008

6.

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

(The responsible person must ensure that any facilities, equipment and devices provided in relation to fire safety matters within the premises are maintained in an efficient state, in efficient working order and in good repair).

6.1

Failure

The responsible person has failed to ensure that existing self closing devices on fire doors are adequately maintained in effective working order.

Remedy

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.

DATE REQUIRED: 20 October 2007

6.2 **Failure**

The responsible person has failed to ensure that the emergency lighting system provided within the premises is adequately maintained.

Remedy

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.

DATE REQUIRED: 20 October 2007

Supporting Information

The requirements for the testing and maintenance of fire detection and warning systems are detailed in Section 7.2 of BS 5266: Part 8. Such testing should include a monthly inspection and functional test by the premises occupier and an annual service and detailed test of the system by a competent engineer.

7. **Failure under Article 20 of the Regulatory Reform (Fire Safety) Order 2005.**

(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).

Failure

7.1 The Responsible Person has failed to provide to the employer of employees from outside undertakings comprehensible and relevant information on risks and other fire related matters.

Remedy

Provide to employers and the self-employed from outside undertakings comprehensible and relevant information relating to the fire safety risks and other fire related matters within the premises.

DATE REQUIRED: 20 October 2007

8. **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).

Failure

8.1 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 him/herself 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: 20 October 2007

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/EA/008/E/07	Hilton Royal Parade Hotel 35-38 Royal Parade Eastbourne BN22 7AN	The Regulatory Reform (Fire Safety) Order 2005	
		Particulars	Date Served
		Notice Issued. Click [here] to view the notice.	20 Sep 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: [\[here\]](#) shown 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 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.