



East Sussex
Fire & Rescue Service

EAST SUSSEX FIRE & RESCUE SERVICE
ALTERATIONS NOTICE

Notice No
ESFRS/RO/001/A/11

Notice requiring steps to be taken under Article 29 of the Regulatory Reform (Fire Safety) Order 2005

Name of Responsible Person: Executive Principal

Address of Responsible Person: Bexhill High School, Gunters Lane, Bexhill-on-Sea, TN39 4BY

Premises: Bexhill High School, Gunters Lane, Bexhill-on-Sea, TN39 4BY

I, Richard Fowler on behalf of East Sussex Fire Authority, hereby give you notice that, due to an engineered fire safety solution being used in the design of the building, the Fire Authority is of the opinion that any change made to the premises, or the use to which it is put, may constitute a serious risk to relevant persons (see notes). An 'engineered fire safety solution' is a design that utilises engineering principles in place of the more prescriptive arrangements indicated in the Government design guide "Building Bulletin 100 – Design for Fire Safety in Schools". Such a change has the potential to compromise the design if due cognisance is not given to the engineering detail.

The Fire Authority hereby directs that you, as the responsible person must, before making any of the changes below that may result in a significant increase in risk, notify the Fire Authority of the proposed changes.

The changes referred to above are: -

- (a) a change to the premises,
- (b) a change to the services, fittings or equipment in or on the premises,
- (c) an increase in the quantities of dangerous substances which are in or on the premises, or
- (d) a change to the use of the premises;

The Fire Authority also directs that, in addition to the notification referred to above, as a responsible person you must: -

- (a) take all reasonable steps to notify the terms of this Notice to any other person, or persons, who have to any extent control of the premises, insofar as the requirements in articles 8 to 22 of the Regulatory Reform (Fire Safety) Order 2005, or in regulations made under Article 24, relates to matters under his, or their, control,
- (b) carry out or review the risk assessment and record the significant findings, including the measures which have been taken or will be taken and identify any group of persons identified by the risk assessment as being especially at risk,
- (c) record the arrangements as are appropriate, having regard to the size of his undertaking and the nature of its activities, for the effective planning, organisation, control, monitoring and review of the preventative and protective measures, and
- (d) before making any changes referred to in the above paragraph, send to the Fire Authority a copy of the risk assessment and summary of the changes proposed to be made to the existing general fire precautions.

This Notice shall be deemed to be in force until such time as it is withdrawn by the Fire Authority or cancelled by the Court. You have a right to appeal against this Notice (see notes), by way of complaint for an order, to the Clerk of the Court of the Magistrates' Court acting for the petty sessions area in which your premises is located. If you wish to appeal, you must do so within 21 days of the date of this Notice.

Signature

Date 1 February 2011

(on behalf and duly authorised by the Fire Authority)

**NOTES TO ACCOMPANY ALTERATIONS NOTICE
SERVED UNDER ARTICLE 29 OF THE
REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

1. Contravention of any requirement imposed by an Alterations 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 prove 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 Alterations Notice is served may under Article 35 of the Order appeal to the Magistrates' Court within 21 days from the date on which the Alterations 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. To satisfy the 'Environment and Safety Information Act 1988' the Fire Authority is obliged to enter details of this Alterations 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	Served on
Alterations Notice: ESFRS/RO/001/A/11	Bexhill High School Gunters Lane Bexhill-on-Sea TN39 4BY	The Regulatory Reform (Fire Safety) Order 2005	1 February 2011
Particulars	1 February 2011 – Notice issued [pdf, opens in new tab]		

The actual Notice will also appear on the register.

8. The requirements of the Notice are only intended to ensure that significant alterations are not carried out without the Fire Authority's knowledge. The Notice is issued without prejudice to any other enforcement action that may be taken by this or any other enforcement authority.

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.