



East Sussex
Fire & Rescue Service

EAST SUSSEX FIRE & RESCUE SERVICE
ENFORCEMENT NOTICE

Notice No
ESFRS/EA/003/E/19

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

Name of Premises: The Strand Hotel
Address of Premises: 35-42 Royal Parade, Eastbourne, BN22 7AN
Responsible Person: A R Hotels Ltd, Avenue House, Holmesdale Road, South Darenth, Dartford, Kent, DA4 9JP

I, Roger Easey, 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.

Unless the steps identified in the Schedule to this Notice have been completed within 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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.

Signature

A handwritten signature in black ink, appearing to be 'Roger Easey', written over a horizontal line.

Date: 7 August 2019

(on behalf of, and duly authorised by, East Sussex Fire Authority)

SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/EA/003/E/19 REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005 ISSUED BY EAST SUSSEX FIRE AUTHORITY ON 7 AUGUST 2019.

Name of Premises: The Strand Hotel

Address of Premises: 35-42 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

Self-closing fire resisting doors are to be provided in accordance with the standards detailed within the appropriate Government Fire Safety Guide. Please refer to the Sleeping Accommodation guide, page 123-127.

DATE REQUIRED – 7 NOVEMBER 2019

Supporting Information

All doors opening onto the staircases and on the means of escape are to be fire resisting providing a minimum of 30 minutes fire protection, be self-closing, fitted with intumescent strips and cold smoke seals. This is to include all bedroom doors, cross corridor doors and doors leading onto a staircase. The relevant guide for Hotels is, HM Government Fire Safety Risk Assessment Sleeping Accommodation. They are available for free download on our website www.esfrs.org under the heading Business Safety or can be purchased at bookshops. Please refer to guide, page 95, for further information and guidance. Cupboard doors on means of escape corridors should be fitted with fire doors and kept locked shut.

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 matters identified during the fire safety audit carried out on 30 July 2019 indicate that the existing fire risk assessment is not 'suitable and sufficient'. The fire risk assessment should therefore be reviewed and re-addressed with specific consideration given to, (but not restricted to), the following areas: -

- a) Coverage and maintenance of the fire alarm warning system
- b) Protection of escape routes
- c) Means of escape from staff accommodation
- d) Emergency Escape Signage

DATE REQUIRED - 9 SEPTEMBER 2019

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. The relevant guide for Hotels is, HM Government Fire Safety Risk Assessment Sleeping Accommodation. They are available for free download on our website www.esfrs.org under the heading Business Safety 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 person(s) 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 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).*

3.1

Failure

The responsible person has failed to ensure that the existing fire alarm system currently fitted within the premises is adequate in the circumstances.

Remedy

The current fire detection and alarm system must comply with the standard detailed within the appropriate HM Government Guide. The fire alarm system should comply with BS5839: Part 1 or equivalent.

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

DATE REQUIRED – 7 NOVEMBER 2019

Supporting Information

Previous audits have identified issues over the compatibility of what appears to be two separate fire alarm warning systems linked together. The premises requires a single fire alarm warning system that complies with and is installed to BS5839: Part 1 and category L2 standard.

It was noted during the inspection that numerous detector heads were missing within corridors and bedrooms which failed to provide the necessary coverage to meet the requirement of L2 coverage. When tested the alarm was not audible throughout the premises.

The system must be surveyed by a competent fire alarm engineer and confirmation provided that the system complies with the requirements of BS5839: Part 1 and category L2 or equivalent.

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

(The responsible person must ensure that, in the event of danger, it must be possible for persons to evacuate the premises as quickly and as safely as possible, emergency doors must not be so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency and emergency routes and exits must be indicated by signs).

4.1 Failure

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

Remedy

The responsible person must ensure that, in the event of danger, it is possible for persons to evacuate the premises quickly and safely. Particular attention is drawn to the provision of suitable stairs to allow for safe egress from the bedroom on the third floor used by staff. The ladder style stairs are not suitable for descending quickly or safely.

DATE REQUIRED – 7 NOVEMBER 2019

4.2 Failure

The responsible person has failed to ensure that emergency exit doors are not locked shut.

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. Door noted on inspection was rear exit gate from the basement.

Date required: - 9 SEPTEMBER 2019

4.3 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. Areas noted on inspection were the routes through to and from the rear of the premises and the exit route past the ground floor restaurant.

DATE REQUIRED: - 9 SEPTEMBER 2019

Supporting Information

The fire risk assessment should identify whether the existing location of exit signage is appropriate following changes of use within the hotel.

5. 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).

5.1 Failure

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

Remedy

The fire alarm system is to be maintained and tested regularly as required by the current British Standard. It is recommended appropriate records of this maintenance and testing are kept.

Supporting Information

During the inspection a number of faults were indicated on the fire alarm and repeater panels. The requirements for the testing and maintenance of fire detection and warning systems are detailed in Section 6 of BS 5839: Part 1. Such testing should include a weekly inspection and functional test by the premises occupier and an annual service and detailed test of the system by a competent engineer. It is recommended that any test, actuations or faults are recorded and actioned in a timely manner.

DATE REQUIRED – 9 SEPTEMBER 2019

5.2 Failure

The responsible person has failed to ensure that all fire doors are adequately maintained so that they close fully onto their stops and fit flush into their frame.

Remedy

All fire doors, including cupboard doors on escape routes, must form part of a regular maintenance programme so that they close fully onto their stops. They must be fitted with appropriate fire rated self-closing devices that will effectively close the door and meet the British Standard BS EN 1154. Cupboard doors do not require a self-closing device but should be fitted with a 'Keep locked shut' sign and kept locked shut. The fire doors must also fit flush within their frame when smoke seals are fitted. Fire doors should not have a gap bigger than 4mm between the door leaf and frame.

DATE REQUIRED – 7 NOVEMBER 2019

Supporting Information

It is recommended that a door schedule is completed to monitor, arrange and complete maintenance to fire doors as required. This has been recommended to the responsible person during previous inspections.

The Fire Authority considers that the above detailed steps will reduce the excessive risk to an acceptable level 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.

**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 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 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: -

Served on	Notice Type	Name	Location	Notice Number
07/08/19	Enforcement	The Strand Hotel	Eastbourne	ESFRS/EA/003/E/19

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 shown in the table 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, enforcing 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.

