



East Sussex
Fire & Rescue Service

EAST SUSSEX FIRE & RESCUE SERVICE

ENFORCEMENT NOTICE

Notice No: ESFRS/EA/KC/0313/E1/20

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

Name of Premises: The Glastonbury Hotel
Address of Premises: 4-9 Royal Parade, Eastbourne BN22 7AR
Responsible Person: The Glastonbury Hotel Limited

I, Kelly Connolly, 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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.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 

Date: 13 March 2020

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/EA/KC/0313/E1/20
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM
(FIRE SAFETY) ORDER 2005 ISSUED BY EAST SUSSEX FIRE AUTHORITY ON 13 MARCH
2020.**

Name of Premises: The Glastonbury Hotel

Address of Premises: 4-9 Royal Parade, Eastbourne BN22 7AR

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 internal fire resisting doors (or alternatively their respective door frames) are to be fitted with intumescent strips and cold smoke seals, be fitted with a positive self-closing devices or be kept locked shut.

DATE REQUIRED - 14 September 2020

Supporting Information

Pages 123-128 of the HM Government Guide, 'Fire Safety Risk Assessment – Sleeping Accommodation', provides information on the suitability and requirements of fire doors. Specifically this relates to fire doors on bedrooms and the means of escape. During the audit bedroom doors 309 and 310 were not fully closing onto their stops, these doors were fitted with 'gibraltar' and perko self-closing devices which are not suitable for use on a fire door. The door to the laundry, which was not fitted with a suitable lock or a self-closer is required to be kept locked shut. It is recommended a door schedule is implemented where all required fire doors are checked and remedial work undertaken to ensure they meet the requirements as referred to above.

2 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 fire detectors and alarms).

2.1 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.

Confirmation the system meets the appropriate standard should be provided by a competent fire alarm engineer/installer.

DATE REQUIRED - 11 June 2020

3 Failure under Article 14(2)(b), 14(2)(c), 14(2)(d), 14(2)(e), 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, that the number, distribution and dimensions of emergency routes and exits is adequate, having regard to the use, equipment and dimensions of the premises and the maximum number of persons who may be present there at any one time, that emergency doors open in the direction of escape, that sliding doors are not used for exits that are specifically intended for use as emergency exits, that emergency routes and exits are indicated by signs, that emergency routes and exits requiring artificial illumination are provided with suitable emergency lighting and that the emergency lighting will operate if the normal lighting fails).

3.1 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.

People on the 4th floor are unable to evacuate the premises quickly and safely due to the lack of a suitably protected route from the premises.

Remedy

The means of escape from rooms on the 4th floor should be separated from the rest of the premises by 30 minute fire resisting construction.

DATE REQUIRED - 14 September 2020

3.2 Failure

The responsible person has failed to ensure that the number, distribution and dimensions of emergency routes and exits from the premises is adequate in the circumstances.

The premises has only one escape route from the upper floors that is protected to a final exit (east end of premises), alternative routes terminate in the lounge/reception or dining hall

Remedy

The number, distribution and dimensions of emergency routes and exits from the premises is to be addressed and improved as necessary by providing two separate protected routes from the upper floors.

DATE REQUIRED - 14 September 2020

Supporting Information

Due regard is to be given to the guidance provided in the HM Government Guide, 'Fire Safety Risk Assessment – Sleeping Accommodation'. The guides are available for free download at our website www.esfrs.org under the Business Safety tab or can be purchased at bookshops.

3.3 Failure

The responsible person has failed to ensure that the emergency exit doors open in the direction of escape.

All final exits should open easily, immediately and, wherever practicable, in the direction of escape. All doors within the dining hall, the final exit doors for guests from the upper floors, are inward opening.

Remedy

Final exit doors are to be re-hung so as to open in the direction of escape and be fitted with appropriate door fastenings.

DATE REQUIRED - 15 June 2020

Supporting Information

The emergency escape routes and final exits from the building should be clearly identified and where final exits are signed, these doors should, where possible, open in the direction of escape and not be locked or fastened so they cannot be easily or immediately opened.

3.4 Failure

The responsible person has failed to ensure that sliding doors are not used as emergency exits from the premises. During inspection a sliding door was noted from the veranda. This door is signed as an emergency exit and forms part of the current escape route.

Remedy

Following improvements to the escape routes as discussed in point 3.2, if still required for escape purposes, the sliding door should be changed to a conventional hinged door.

DATE REQUIRED - 15 June 2020

3.5 Failure

The responsible person has failed to ensure that the alternative 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 alternative routes of exit.

DATE REQUIRED - 15 June 2020

3.6 Failure

The responsible person has failed to ensure that adequate emergency lighting is provided within the emergency exit routes of the premises, including the external escape routes.

Remedy

Provide emergency lighting throughout the common parts of the premises and external escape routes in accordance with the current BS 5266: Part 1 and the findings of your Fire Risk Assessment.

DATE REQUIRED - 15 June 2020

Supporting Information

Emergency lighting maybe also be required on the external escape routes where there is no borrowed lighting, consult the findings of your Fire Risk Assessment.

4 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).

4.1 Failure

The responsible person has failed to 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. During the audit the fire alarm panel was indicating a number of faults and a number of fire doors required maintenance so that the doors closed fully onto their stops and had missing intumescent strips and cold smoke seals.

Remedy

The responsible person must put in place suitable arrangements to ensure the premises and any fire safety related facilities, equipment and devices are adequately maintained.

DATE REQUIRED - 14 April 2020

Supporting Information

Specific consideration should be given to the following areas: -

- Fire resisting doors should be maintained to ensure that the doors close fully and tightly against the doorstop at all times.
- The requirements for the testing and maintenance of fire detection and warning systems are detailed in 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. The requirements for the testing and maintenance of the emergency lighting system 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. It is recommended as good practice that appropriate records of this maintenance and testing are kept.

5 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).

5.1 Failure

The responsible person has failed to provide adequate fire safety training to enable employees etc. to safeguard 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.

DATE REQUIRED - 14 April 2020

Supporting Information

No written instruction detailing emergency procedures available for staff for training to be based upon. It was evident, numerous members of staff were unaware of necessary fire safety arrangements, in particular staff were found sleeping on the 4th floor and, within their rooms, automatic fire detection was found to be covered over. A room had also had the detection removed and the inspector was advised this was the room used by staff for smoking.

It is recommended as good practice for a record of all training to be maintained.

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	Premises Name	Location	Notice Number
13/03/2020	Enforcement	The Glastonbury Hotel	Eastbourne	ESFRS/EA/KC/0313/E1/20

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.