



East Sussex
Fire & Rescue Service

EAST SUSSEX FIRE & RESCUE SERVICE

ENFORCEMENT NOTICE

Notice No: ESFRS/BH/RB/0322/E1/23

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

Name of Premises: The View
Address of Premises: 46-48 Kings Road Brighton BN1 1NA
Responsible Person: Southern Cross Travel Ltd
The View 46-48 Kings Road Brighton BN1 1NA

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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.

A handwritten signature in red ink, appearing to read 'R Bartlett'.

Signature

Date: 22 March 2023

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/BH/RB/0322/E1/23
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM
(FIRE SAFETY) ORDER 2005 ISSUED BY EAST SUSSEX FIRE AUTHORITY ON 22 March
2023.**

Name of Premises: The View

Address of Premises: 46-48 Kings Road Brighton BN1 1NA

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

Appoint a competent person to determine the need for compartmentation within the premises and implement the recommendations

DATE REQUIRED - 11 April 2023

Supporting Information

With specific consideration to the following areas.

1. The electrical consumer units situated within the west wing staircase associated cabling located on the first and second floor common ways
2. All internal fire doors requiring to be fire resisting doors including.
 - i. The door located at the head of the basement stairs
 - ii. All cupboard doors
3. The structure forming separation between the ground floor linen room and first floor

2 Failure under Article 9(1) 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 6 August 2022 indicate that the existing fire risk assessment is not 'suitable and sufficient'

DATE REQUIRED - 11 April 2023

Supporting Information

The summary of significant findings - action plan referenced within the premises fire risk assessment completed August 2022, identifies recommended actions. At the time evidence was not demonstrated or provided that the significant findings of your fire risk assessment had been completed.

3 Failure under Article 11(1) 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. It was found that the repetition of false alarms had not been monitored or controlled.

Remedy

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

DATE REQUIRED - 11 April 2023

Supporting Information

East Sussex Fire & Rescue Service records identify that from August 2019 to June 2022, 24 incidents were recorded requiring the attendance of ESFRS when there was no fire.

Fire detection and alarm systems are installed to alert occupants to the fact that there may be a fire and depending on your fire risk assessment and emergency plans, to have effective procedures in place so that an alarm actuation is managed appropriately to minimise unwanted fire signal calls and ensure as much as reasonably possible that a call being passed to fire rescue services is a fire event

East Sussex Fire & Rescue Protection Bulletin 22-04, "Unstaffed Hotels and Similar Accommodation Guidance" refers to a number of proposals that in lieu of onsite staff at night consideration should be given to.

"On call staff can either be within 5 minutes response time to the premises to enable them to respond, investigate the cause of the alarm and call the Fire rescue service to confirm a fire"

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 fighting equipment and with fire detectors and alarms)

Failure

- 4.1** 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 L1 System would be appropriate.

DATE REQUIRED - 11 April 2023

Supporting Information

East Sussex Fire & Rescue Protection Bulletin 22-04, "Unstaffed Hotels and Similar Accommodation Guidance" refers to that in lieu of onsite staff at night consideration should be given to.

"Upgrading automatic fire detection coverage to a higher standard"

5 Failure under Article 14(2)(a), 14(2)(b), 14(2)(c) of the Regulatory Reform (Fire Safety) Order 2005.

(The responsible person must ensure 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).

5.1 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.

Remedy

The number, distribution and dimensions of emergency routes and exits from the premises is to be addressed and improved as necessary.

DATE REQUIRED - 11 April 2023

Supporting Information

Your fire risk assessment dated August 2022 identifies that the current means of escape provision in the premises, particularly the alternative exit routes through bedrooms with window escapes onto the small diameter external spiral staircase, does not meet the standard currently required by the Governments published guidance document "Fire Risk Assessment-Sleeping Accommodation Guide"

5.2 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.

DATE REQUIRED - 11 April 2023

Supporting Information

To comply with the standard currently required by the Governments published guidance document "Fire Risk Assessment-Sleeping Accommodation Guide"

For external stairways to be considered a means of escape they should normally be protected from the effects of fire along its full length. This means any door, window (Other than toilet Windows) and Walls within 1.8m horizontally and 9m vertically below any part of the stairway should be fire resisting, windows should be fixed shut and doors self-closing

6 Failure under Article 15(1)(a) 15 (b) of the Regulatory Reform (Fire Safety) Order 2005.

(The Responsible Person must establish and give effect to appropriate emergency procedures, including safety drills, to be followed in the event of serious and imminent danger to relevant persons).

6.1 Failure

The responsible person has failed to establish and give effect to appropriate emergency procedures, including safety drills, to be followed in the event of serious and imminent danger.

Remedy

The responsible person must establish and give effect to appropriate emergency procedures, including safety drills, to be followed in the event of serious and imminent danger.

DATE REQUIRED - 11 April 2023

Supporting Information

East Sussex Fire & Rescue Protection Bulletin 22-04, "Unstaffed Hotels and Similar Accommodation Guidance" refers to that in lieu of onsite staff at night consideration should be given to that the emergency plan is achievable without the use of on-site staff with particular attention to.

- i. How people will be warned if there is a fire (Including relevant persons with a disability such as a hearing impairment)
- ii. How the fire and rescue service will be called and who is responsible
- iii. For informing and controlling what guests should do if there is a fire
- iv. Arrangements for the safe evacuation of people identified as being especially at risk such as those with disabilities and children
- v. Procedures for meeting the fire and rescue service on their arrival and notifying them of any risks

Further guidance on emergency plans can be found on page 110 of the DCLG Sleeping accommodation guide.

7 Failure under Article 17(1) 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).

7.1 Failure

The responsible person has failed to ensure that the emergency lighting system provided within, externally for the external means of escape for 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 should be kept.

DATE REQUIRED - 11 April 2023

Supporting Information

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

7.2 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. Appropriate records of this maintenance and testing should be kept.

DATE REQUIRED - 11 April 2023

Supporting Information

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.

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
22 March 2023	Enforcement	The View	Brighton	ESFRS/BH/RB /0322/E1/23

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.