



East Sussex
Fire & Rescue Service

EAST SUSSEX FIRE & RESCUE SERVICE

ENFORCEMENT NOTICE

Notice No: ESFRS/EA/RE/1109/E1/22

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

Name of Premises: Block 6 Barbuda Quay

Address of Premises: Block 6 Barbuda Quay, Sovereign Harbour Eastbourne
BN23 5TT

Responsible Person: East Block Martello Quay Residents Company Ltd,
94 Park Lane, Croydon, Surrey, CR0 1JB

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 failure 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 failure 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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.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: 9th November 2022

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/EA/RE/1109/E1/22
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM
(FIRE SAFETY) ORDER 2005 ISSUED BY EAST SUSSEX FIRE AUTHORITY ON 9
NOVEMBER 2022.**

Name of Premises: Block 6 Barbuda Quay

Address of Premises: Block 6 Barbuda Quay, Sovereign Harbour Eastbourne BN23 5TT

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)(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

Provide a lobby formed of fire resisting construction of at least 30 minutes between the ground floor stair enclosure and the bin store. This is to be provided in accordance with the appropriate guide 'Fire Safety in Purpose Built Blocks of Flats Guide'

DATE REQUIRED – 9 February 2023

Supporting Information

The necessary fire resisting doors forming the lobby can be fitted with appropriate door furniture and signage to provide a means of escape from the garage/ bin store.

1.2 Failure

The responsible person has failed to take measures to reduce the risk of the spread of fire and smoke throughout the premises

Remedy

Provide an automatic opening vent to the outside from the top storey of the stair enclosure activated by automatic smoke detection at the head of the stairs.

DATE REQUIRED – 9 December 2023

Supporting Information

The 'Fire Safety in Purpose Built Blocks of Flats Guide' provides detailed information and guidance on smoke ventilation requirements in existing blocks of flats.

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 inspection carried out on 13th July 2022 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: -

- The rationale behind installation of a common fire alarm system. The (reviewed 21 July 2022) assessment identifies the common alarm system conflicts with the 'stay put' policy for evacuation of the premises and recommends removal of the alarm.
- The protection to the single stairway is compromised by the provision of a doorway from the ground floor stair enclosure into the residents' store and bin store area. This door may have been installed without Building Regulation approval.
- The (reviewed 21 July 2022) assessment incorrectly suggests existing flat entrance doors be replaced with suitable FD30s doors in line with current standards'.
- No acknowledgement or justification for the decommissioning of the car park ventilation system.

DATE REQUIRED - 9 December 2022

Supporting Information

Reference to the 'Fire Safety in Purpose Built Blocks of Flats Guide' would assist the assessor with consideration toward achieving a recognised benchmark standard.

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.