



EAST SUSSEX FIRE & RESCUE SERVICE

ENFORCEMENT NOTICE

Notice No: ESFRS/BH/GOR/0922/E2/23

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

Name of Premises: Nettleton Court
Address of Premises: Upper Hollingdean Road, Brighton, BN1 7GS
Responsible Person: Brighton & Hove City Council

I, [REDACTED], 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(s) to comply with the Regulatory Reform (Fire Safety) Order 2005 are specified in the Schedule to this Notice.

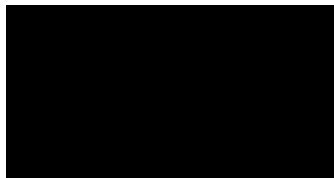
The Fire Authority is further of the opinion that the steps identified in the Schedule to this Notice must be taken to remedy the specified failure(s) to comply with the Regulatory Reform (Fire Safety) Order 2005.

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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.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: 22 September 2023

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

SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/BH/Error! Reference source not found./0922/E2/23 REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005 ISSUED BY EAST SUSSEX FIRE AUTHORITY ON 22 SEPTEMBER 2023.

Name of Premises: Nettleton Court

Address of Premises: Upper Hollingdean Road, Brighton, BN1 7GS

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 13(1)(a) of the Regulatory Reform (Fire Safety) Order 2005.
(The responsible person must ensure that the premises are equipped with appropriate firefighting equipment and with fire detectors and alarms).

1.1 Failure

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

Remedy

Upgrade the current fire 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 6 or equivalent and its configuration should support the chosen evacuation strategy.

DATE REQUIRED - 22 March 2024

Supporting Information

The current fire alarm system will sound throughout the building on activation, this is contrary to the delayed evacuation strategy currently utilised within the building. This will result in occupants hearing an alarm and not evacuating to a place of safety.

2 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).

2.1 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. A number of AOVs in the lobby areas and the AOV at the head of stairs are held in a fixed open position and do not currently operate on the sounding of the alarm.

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. AOVs should be repaired and reconfigured to operate on an appropriate fire alarm activation.

Supporting Information

At the time of the inspection on 16th August 2023 the fire alarm panel was showing faults effecting the intended operation of the AOVs, the majority of which are being kept in a permanently open position.

The FRA checklist dated 11th April 2023 identifies faults on the alarm panel.

DATE REQUIRED - 22 March 2024

3 Failure under Article 24 of the Regulatory Reform (Fire Safety) Order 2005

(The Secretary of State may by regulation make provision as to the precautions which are to be taken or observed to the risk to relevant persons as regards premises in which relation to which this order applies).

3.1 Deficiency

Clear markings of floor identification and identification of domestic premises have not been installed within The Premises ("The Premises"), which is a high-rise residential building.

This is contrary to Regulation 8 of the Fire Safety (England) Regulations 2022.

Remedy

The responsible person in relation to a high-rise residential building must ensure that the building contains clear markings of floor identification and identification of domestic premises.

Signage should be provided at;

- Each level of the stairwell so as to identify the flat and floor numbers.

DATE REQUIRED - 22 November 2023

Supporting Information

For the purposes of paragraph (1), the "markings" means an identification designed and located in accordance with the guidance in Volume 1 of Approved Document B(4) on each

landing within the stairways and in the lift lobbies of the floor level marked in such a way as to be visible both in low level lighting conditions or when illuminated with a torch.

3.2 Deficiency

The responsible person has not instigated annual checks of the fire doors at the entrances of individual domestic premises or maintained records of the steps taken to comply with this obligation including any case where access to the domestic premises was not granted during any 12 month period.

This is contrary to Regulation 10 of the Fire Safety (England) Regulations 2022.

Remedy

The responsible person, in relation to a building which contains two or more sets of domestic premises and which is above 11 metres in height, must check all fire doors in common areas quarterly and use best endeavours to undertake checks of fire doors at the entrances of individual domestic premises in the building at least every 12 months and keep a record of the steps taken to comply with the obligation in Regulation (10) paragraph (4) including in any case where access to the domestic premises was not granted during any 12 month period

DATE REQUIRED - 22 March 2024

3.3 Deficiency

The responsible person for The Premises ("The Premises"), which contains two or more sets of domestic premises and common parts through which residents would need to evacuate in the case of an emergency, has not provided information about the importance of fire doors in relation to the building's fire safety, to the residents of the building.

This is contrary to Regulation 10 of the Fire Safety (England) Regulations 2022.

Remedy

Required information about fire doors in accordance with Regulation 10 must be provided to the residents of the building containing two or more sets of domestic premises and which contains common parts through which residents would need to evacuate in the case of an emergency.

DATE REQUIRED - 23 October 2023

Supporting Information

The required information is information to the effect that:

- (a) fire doors should be kept shut when not in use
- (b) residents or their guests should not tamper with the self-closing devices
- (c) residents should report any faults or damages with doors immediately to the responsible person

The required information must be provided by the responsible person to:

- (a) a new resident of domestic premises in the building, as soon as reasonably practicable after that resident moves into the premises
- (b) to all residents of domestic premises within the building, within each period of 12 months beginning with the date these Regulations come into force.

3.4 Deficiency

Documents specified within Regulation 5 have not been provided to East Sussex Fire and Rescue Authority by electronic means.

This is contrary to Regulation 11 of the Fire Safety (England) Regulations 2022.

Remedy

The responsible person in relation to a high-rise residential building must provide the local fire and rescue authority by electronic means with the documents specified in:

- (a) regulation 5 (design and materials in external walls)

DATE REQUIRED - 23 October 2023

Supporting Information

The required information can be provided to East Sussex Fire and Rescue Authority through completing the relevant parts of the [External Wall Information \(office.com\)](#), accessed through East Sussex Fire and Rescue Service's website or by emailing plans to EOI@esfrs.org. To evidence compliance, it is recommended that you retain proof of when the completed form is sent to The Authority.

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
22/09/2023	Enforcement	Nettleton Court	Brighton	ESFRS/BH/Error! Reference source not found./0922/E2/23

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.