



East Sussex
Fire & Rescue Service

EAST SUSSEX FIRE & RESCUE SERVICE

ENFORCEMENT NOTICE

Notice No: ESFRS/HA/DS/0224/E1/23

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

Name of Premises: Offerfair Self Storage
Address of Premises: 6-8 Brook Way, Ivy House Lane, Hastings. TN35 4NN
Responsible Person: Offerfair Limited. 9-10 Parsons Road, Parsons Industrial Estate, Washington, Tyne And Wear, NE37 1HB.

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 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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or if the appeal is withdrawn, until the withdrawal of the appeal.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: 24/02/2023

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/HA/DS/0224/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 24
FEBRUARY 2023.**

Name of Premises: Offerfair Self Storage

Address of Premises: 6-8 Brook Way, Ivy House Lane, Hastings. TN35 4NN

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. Walls and floors provided to divide the building into separate occupancies (used by different organisations whether in the same purpose group or not) are not provided with adequate fire-resistant compartmentation.

Remedy

Walls and floors provided to divide the building into separate occupancies should be constructed to give a minimum fire resistance of 60 minutes. In addition, in order to limit compartment sizes and for the protection of escape routes, additional fire resisting protection may also need to be provided. **DATE REQUIRED - 22 February 2024**

Supporting Information

It is recommended that a full compartmentation survey should be undertaken by a suitably competent person to determine the scope and nature of the additional fire protection works required so as to comply with benchmark HM Government Guidance. You should also review the regulation 38 information, that should have been created as part of the recent Building Regulations approval.

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 kept under review and takes into consideration the risks posed by potential dangerous substances present within individual storage units, significant changes, extensions or conversions to the premises, and special or technical measures employed.

Remedy

The fire risk assessment is to be reviewed to ensure that it takes into account any potentially dangerous substances that maybe stored by members of the public, any significant changes, extensions or conversions to the premises, special or technical and organisational measures or organisation of the work undertaken.

Specific consideration given to the following areas: -

- Fire Safety Management Arrangements
- Provision of Information to Service Provision Contractors
- Automatic Fire Detection
- Fire Compartmentation
- Complexity of layout and travel distances
- Way Finding Systems
- Fire Training and Evacuation Drills
- Storage of Dangerous Substances

DATE REQUIRED - 24 March 2023

Supporting Information

The Fire Risk Assessment should be reviewed whenever a material change to the premises or its occupancy occurs, that could affect the safety of relevant persons in case of fire. It should also be reviewed following any near hit of fire event, at least annually and also in case of any suspicion that it may no longer be suitable or sufficient.

3 Failure under Article 11(1) and 11(2) 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.

Remedy

The responsible person should make and give effect to appropriate fire safety arrangements relating to the fire precautions within the premises. **DATE REQUIRED – 24 March 2023**

Supporting Information

Such arrangements should show what is to be done, who is responsible for ensuring that it is done and when it is scheduled to take place. In making and giving effect to such arrangements, the following matters should be considered:

- Has a senior manager within the organisation been appointed to take responsibility for all matters relating to fire safety?
- Have other managers been delegated fire safety duties relevant to their role?
- Has a fire risk assessment been planned, completed, reviewed, etc.?
- Has staff training (including induction and refresher training) been scheduled?
- Have fire drills been planned and scheduled?
- Has appropriate equipment maintenance been scheduled and booked?
- Are records (of training, maintenance etc.) being maintained and updated?
- Are all of the above matters written-in to a fire safety policy document?

- 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 fire detectors and alarms).

4.1 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 BS5839: Part 1: Category L4 System would be appropriate. **DATE REQUIRED - 24 August 2023**

- 5 Failure under Article 14(2)(a), 14(2)(b), 14(2)(c), 14(2)(g) and 14(2)(h) of the Regulator Reform (Fire Safety) Order 2005.**

(The responsible person must ensure that emergency routes and exits from the premises lead as directly as possible to a place of safety. The responsible person must ensure that, in the event of danger, it is possible for persons to evacuate the premises quickly and safely. 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 emergency routes and exits from the premises lead as directly as possible to a place of safety. The arrangement of locked storage units terminating in dead end conditions effectively extends travel distances beyond benchmark distances in HM Government guidance. Without adequate protection and immediate access exits through neighboring businesses should be avoided. Existing storage unit layout and extended travel distances are likely to delay evacuation of relevant persons unfamiliar with the building.

Remedy Ensure that emergency routes and exits from the premises lead as directly as possible to a place of safety. The arrangement of locked storage units should be altered to avoid dead end conditions and extended travel distances and should not pass-through neighboring businesses. The number, distribution and dimensions of emergency routes and exits from the premises is to be addressed and improved in compliance with the benchmark standards indicated in HM Government guidance "Factories and Warehouses".
DATE REQUIRED - 24 August 2023

- 5.2** *(The responsible person must ensure that emergency routes and exits are indicated by signs).*

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.
DATE REQUIRED - 24 August 2023

(The responsible person must ensure 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).

- 5.3 Failure** The responsible person has failed to ensure that adequate emergency lighting is provided within the emergency exit routes of the premises.

Remedy Provide emergency lighting throughout the common parts of the premises in accordance with the current BS 5266: Part 1 and the findings of your Fire Risk Assessment.
DATE REQUIRED - 24 August 2023

6 Failure under Article 15 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 - 24 March 2023**

Supporting Information

Such emergency procedures should include, but are not limited to, the following matters:

- nominating a sufficient number of competent persons to implement the emergency procedures;
- restricting access to dangerous areas;
- keeping relevant persons informed regarding hazards to which they may be exposed;
- providing systems and procedures to enable persons to stop work and proceed to a place of safety in the event of their being exposed to danger;
- preventing the resumption of work in any situation where danger still exists.

7 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).

7.1 Failure

The responsible person has failed to ensure that the emergency lighting system provided within the premises is adequately maintained. Engineers test certificates submitted continue to indicate failures of the emergency lighting system which require repair or replacement.

Remedy

The emergency lighting system is to be maintained and tested regularly as required by the current British Standard.

Defects identified during these processes must be actioned.

DATE REQUIRED - 24 March 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. At the time of my inspection, the main indicator panel for the fire alarm displays fault codes rendering parts of the system inoperable.

Remedy

The fire alarm system is to be maintained and tested regularly as required by the current British Standard. **DATE REQUIRED - 24 March 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.

8 Failure under Article 19 of the Regulatory Reform (Fire Safety) Order 2005.

(Comprehensible and relevant information, regarding matters relating to fire safety, is to be provided to employees).

8.1 Failure

The Responsible Person has failed to provide employees with comprehensible and relevant information on risks and other fire related matters.

Remedy

Provide to employees comprehensible and relevant information on risks and other fire related matters within the premises.

DATE REQUIRED - 24 March 2023

9 Failure under Article 20 of the Regulatory Reform (Fire Safety) Order 2005.

(The responsible person must ensure that the employer of any employees, and those employees, from an outside undertaking are provided with comprehensible and relevant information on the risks and fire safety measures taken within the premises).

9.1 Failure

The Responsible Person has failed to provide to the employer of employees from outside undertakings comprehensible and relevant information on risks and other fire related matters.

Remedy

Provide to employers and the self-employed from outside undertakings comprehensible and relevant information relating to the fire safety risks and other fire related matters within the premises. **DATE REQUIRED - 24 March 2023**

10 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).

10.1 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 themselves and other relevant persons on the premises in the event of fire. A competent person must carry out the training and instruction.

DATE REQUIRED - 24 March 2023

11 Failure under Article 22 of the Regulatory Reform (Fire Safety) Order 2005.
(Where two or more responsible persons share or have duties in respect of premises, each such person must co-operate with the other responsible person concerned so far as is necessary to enable them to comply with the requirements and prohibitions imposed on them by or under the Order).

11.1 Failure

The Responsible Person has failed to co-operate and co-ordinate their activities with other responsible persons with whom they share the premises.

Remedy

The Responsible Person must co-operate and co-ordinate with other responsible persons who share the premises or the building to ensure that they inform the other responsible persons concerned of the risks to relevant persons arising out of or in connection with the conduct by him/her of his/her undertaking.

DATE REQUIRED - 25 May 2023

Supporting Information

Co-operation and co-ordination between separate occupiers of the building must be carried out where common parts of the building are shared.

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
24/02/2023	Enforcement	Offerfair Self Storage	Hastings	ESFRS/HA/DS/0224/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.