



East Sussex
Fire & Rescue Service

EAST SUSSEX FIRE & RESCUE SERVICE

ENFORCEMENT NOTICE

Notice No: ESFRS/WE/RE/0119/E1/23

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

Name of Premises: The Doves Play Barn
Address of Premises: Heaven Farm, Furner's Green, Uckfield, TN22 3RG
Responsible Person: Butler Group Enterprises Ltd

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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.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: 19 January 2023

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/WE/RE/0119/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 19 JANUARY
2023.**

Name of Premises: The Doves Play Barn

Address of Premises: Heaven Farm, Furner's Green, Uckfield, TN22 3RG

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 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).

1.1 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 January 2023 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 (but not limited) to the following areas:

- The heating system currently used in the premises
- The Fire Safety arrangements regarding the emergency plan
- The illumination of escape routes in the event of an emergency and loss of mains electricity
- The Fire Safety Training of all employees
- The organisation and practice of safety drills
- The provision of adequate emergency routes and exits from the premises
- The provision of an adequate system of fire detection and early warning

DATE REQUIRED – 20 February 2023

Supporting Information

Your risk assessment should adequately address the needs of all people, including disabled people who may be on the premises and ensure that they can safely leave the building in the event of a fire.

For the purposes of identifying the measures to be taken to comply with the relevant legislation, information on how to carry out a fire risk assessment has been published by HM Government in the form of a series of fire risk assessment Guides for different uses of premises. They are available for free download at:

<https://www.gov.uk/government/publications/fire-safety-risk-assessment-small-and-medium-places-of-assembly> or can be purchased at bookshops. The most appropriate Fire Risk Assessment guide for your premises is the HM Government Fire Safety Risk Assessment Guide for Small and Medium Places of Assembly.

If the Responsible Person feels that they do not have the necessary experience or expertise to do this, they must appoint one or more competent persons to assist them in identifying the general fire precautions needed to comply with the requirements and prohibitions imposed by this Order.

The attention of the Responsible Person is also drawn to the Royal Society for the Prevention of Accidents' guidance on safety in indoor soft play areas. This guidance provides useful information on standards and guidelines, planning and development, and the layout and design of indoor soft play facilities. This guidance can be accessed via the following: <https://www.rosipa.com/play-safety/services/advice/indoor-soft-play>

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 appropriate fire fighting equipment and with fire detectors and alarms).

2.1 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 1 or equivalent.

In the Fire Authority's opinion, a BS 5839: Part 1: Category M System would be appropriate.

Supporting Information

Further guidance is given in the HM Government Fire Safety Risk Assessment Guide for Small and Medium places of Assembly.

DATE REQUIRED - 13 April 2023

3 Failure under Article 14(2)(c) and 14(2)(e), 14(2)(h) 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).

3.1 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.

Supporting Information

Improvements should be guided by the HM Government Fire Safety Risk Assessment Guide for Small and Medium places of Assembly.

The guide for Small and Medium places of Assembly suggests where only a single escape route is provided, travel distance should not exceed 18m. Therefore, additional exits are required to the rear of the play areas.

DATE REQUIRED - 13 April 2023

- 3.2** *(The responsible person must ensure that sliding and revolving doors are not used for exits that are specifically intended for use as emergency exits).*

Failure

The responsible person has failed to ensure that sliding and revolving doors are not used as emergency exits from the premises.

Remedy

The responsible person must ensure that the emergency exits from the premises are arranged so that sliding and revolving doors are not required to be used as emergency exits.

Supporting Information

Further guidance regarding the suitable width, direction of opening, and fastening of emergency exit doors is provided in the HM Government Fire Safety Risk Assessment Guide for Small and Medium places of Assembly.

DATE REQUIRED - 13 April 2023

- 3.3** *(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)*

Failure

The responsible person has failed to ensure that adequate emergency lighting is provided to illuminate the emergency exit routes of the premises.

Remedy

Provide emergency lighting throughout the premises in accordance with the current BS 5266: Part 1 and the findings of a suitable and sufficient Fire Risk Assessment

Supporting Information

Further guidance is provided in the HM Government Fire Safety Risk Assessment Guide for Small to Medium Places of Assembly.

DATE REQUIRED - 13 April 2023

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.