



**East Sussex**  
Fire & Rescue Service

# EAST SUSSEX FIRE & RESCUE SERVICE

## ENFORCEMENT NOTICE

Notice No: ESFRS/HA/MH/1221/E/23

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

**Name of Premises:** Kaspas Gelato Restaurant  
**Address of Premises:** 11-12 Robertson Street, Hastings, East Sussex, TN34 1HL.  
**Responsible Person:** Gelatos House (Hastings) Ltd. 38 Heybridge Avenue, London, SW16 3DX.

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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.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 [REDACTED]

Date: 21 December 2023

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/HA/MH/1221/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 21  
DECEMBER 2023.**

**Name of Premises:** Kaspas Gelato Restaurant

**Address of Premises:** 11-12 Robertson Street, Hastings, East Sussex, TN34 1HL.

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 19 December 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 to the following areas: -

The lack of fire alarm call points on exits

The lack of testing and maintenance of the mains electrical installation and portable appliances (i.e an Electrical Installation Condition Report and PAT testing)

The lack of appropriate weekly testing of the fire alarm system

The use and management of sliding bolts on the rear fire exit doors

**DATE REQUIRED - 12 February 2024**

**Supporting Information**

It was observed that the existing risk assessment 7 January 2023 did not contain sufficient commentary and mainly comprised a simple tick box process that did not refer to appropriate benchmark standards as published in available HM Government Guidance.

**2 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).*

**2.1 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 must make and give effect and record the appropriate fire safety arrangements relating to the fire precautions within the premises. The arrangements must be recorded as referred to in paragraph 11 (1).

**DATE REQUIRED - 12 February 2024**

**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?

**3 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 detectors and alarms).*

**3.1 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, the system should include break glass call points adjacent to each exit door.

**DATE REQUIRED - 11 March 2024**

**4 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).*

**4.1 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 - 12 February 2024**

**Supporting Information**

The adjoining premises (currently trading as The Owl & The Pussycat) are reliant on a means of escape in case of any fire through Kaspas Restaurant, and at the time of our inspection, we were informed that due to security concerns the two exits at the rear of Kaspas are routinely secured with sliding bolts as part of routine close down procedures. This could create a risk to relevant persons in the adjoining premises in case of any emergency and does not appear to have been properly addressed.

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.