



EAST SUSSEX FIRE & RESCUE SERVICE

ENFORCEMENT NOTICE

Notice No: ESFRS/BH/PS/0216/E1/24

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

Name of Premises: Grove Court
Address of Premises: 37-39 The Drive, Hove, BN3 3JG
Responsible Person: Stanley N. Evans (Properties) Limited, C/O Hamways Limited, Ground Floor, 30 City Road, London, United Kingdom, EC1Y 2AB

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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.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: 16 February 2024

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/BH/PS/0216/E1/24
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM
(FIRE SAFETY) ORDER 2005 ISSUED BY EAST SUSSEX FIRE AUTHORITY ON 16
FEBRUARY 2024.**

Name of Premises: Grove Court

Address of Premises: 37-39 The Drive, Hove, BN3 3JG

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 any of his employees and/or relevant persons present).

1.1 Failure

The Responsible Person has failed to ensure the standard of compartmentation provided is adequate.

Remedy

All breaches in compartmentation should be fire stopped to provide the appropriate fire resistance in accordance with building regulations.

The fire resistance should conform to a relevant standard e.g., Appendix B (including Table B3 of Approved Document B Volume 1: Dwellings).

Compliance with this or an equivalent standard will normally satisfy this requirement.

DATE REQUIRED - 16 August 2024

Supporting Information

During the inspection breaches in compartmentation were identified. The breaches in compartmentation would not support the existing evacuation strategy.

In the event of fire, breaches in compartmentation, will allow fire and smoke to spread unchecked throughout the building. This would have an impact on the means of escape and render the evacuation strategy of the building ineffective.

In the Fire Authorities opinion implementing the findings of the fire risk assessment completed by Green Gauge Consulting Ltd on the 8th of March 2023 should meet the required standards.

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

All internal fire resisting doors (or alternatively their respective door frames) are to be fitted with intumescent strips and cold smoke seals. In addition, all flat entrance doors and the doors leading onto each stair or adjoining corridors, should be a minimum of FD30S and fitted with self-closing devices of the equivalent standard of fire resistance and maintained as self-closing.

The wooden panelled walls within the entrance lobby area must be treated or removed to ensure a limited level of flame spread is achieved. Meeting the classifications in Table 4.1 of Approved Document B Volume 1: Dwellings, for the surface linings of the walls should be appropriate.

DATE REQUIRED - 16 August 2024

Supporting Information

In the Fire Authorities opinion, carrying out the remedial works highlighted in the flat entrance door and communal door surveys completed on the 22nd of March 2023, and the Fire Risk Assessment completed on 8th March 2023 by Green Gauge Consulting Ltd should be appropriate.

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

(The responsible person in relation to high-rise buildings must comply with the requirements of the Fire Safety (England) Regulations 2022).

2.1 Failure under Regulation 4(3)(a), 4(3)(b) and 4(3)(c) of The Fire Safety (England) Regulations 2022.

(The responsible person in relation to a high-rise residential building must install and maintain a secure information box in or on the building).

Failure

The Responsible Person has failed to provide adequate information within the secure information box in or on The Premises, which is a high-rise residential building.

Remedy

The Responsible Person must ensure the secure information box contains the documents and information required to be placed in it, in accordance with Regulation 4(3) and Regulation 6(5).

DATE REQUIRED - 16 March 2024

Supporting Information

The information that must be contained within the secure information box includes:

- (a) the name, address, and telephone number within the United Kingdom of the responsible person.
- (b) the name and contact information of such other persons within the United Kingdom who are provided with the facilities to and are permitted to access the building as the responsible person considers appropriate.
- (c) a hard copy of the floor plans and the building plan

Further guidance can be found in the NFCC Code of Practice for the Provision of Premises Information Boxes in Residential Buildings [PIBS Guide 06-21 V2.pdf \(nfcc.org.uk\)](#)

2.2 Failure under Regulation 11 of The Fire Safety (England) Regulations 2022.

(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); and

(b) regulation 6 (floor plans and building plan).

Failure

The Responsible Person has not provided documents specified within Regulation 6 to East Sussex Fire and Rescue Authority by electronic means.

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:

(b) regulation 6 (floor plans and building plan).

DATE REQUIRED - 16 March 2024

Supporting Information

Guidance regards the detail required for the building and floor plans can be found in the NFCC Code of Practice for the Provision of Premises Information Boxes in Residential Buildings [PIBS Guide 06-21 V2.pdf \(nfcc.org.uk\)](#)

The information should be sent electronically to the Fire Authority via exchangeofinformation@esfrs.org

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 |
|------------|-------------|---------------|----------|------------------------|
| 16/02/2024 | Enforcement | Grove Court | Hove | ESFRS/BH/PS/0216/E1/24 |

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.