



East Sussex
Fire & Rescue Service

EAST SUSSEX FIRE & RESCUE SERVICE ENFORCEMENT NOTICE

Notice No: ESFRS/EA/RE/0207/E1/24

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

Name of Premises: Leo Leisure
Address of Premises: 1-3 Pevensey Road, Eastbourne, BN21 3HJ
Responsible Person: Brown Leisure Limited, 93 Roundway, Waterlooville, England, PO7 7QB

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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.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

A large black rectangular box redacting the signature of the authorized representative.

Date: 7 February 2024

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/EA/RE/0207/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 7 FEBRUARY
2024.**

Name of Premises: Leo Leisure

Address of Premises: 1-3 Pevensey Road, Eastbourne, BN21 3HJ

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 any of his employees and/or relevant 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.

Remedy

All internal fire resisting doors (or alternatively their respective door frames) to be fitted with intumescent strips and cold smoke seals.

DATE REQUIRED - 1 May 2024

Supporting Information

Refer to section 2.6 and the items 2, 4, 5, 11, 13 as indicated in Appendix 1 of your fire risk assessment.

1.2 Failure

The Responsible Person has failed to provide fire stopping at the point where services penetrate floor and ceiling levels.

Remedy

Provide and install fire stopping in accordance with the standards detailed in the appropriate published HM Government Fire Safety Guide. Services include electrical cabling and conduits, plumbing pipes, ventilation ducts and other similar items.

DATE REQUIRED - 1 May 2024

Supporting Information

Refer to section 3.5 of your fire risk assessment and the following specific areas identified during the audit:

- Electrical intake cupboard on the ground floor.
- Storeroom on the ground floor accessed through the bar in the soft play area.

2 Failure under Article 11 of the Regulatory Reform (Fire Safety) Order 2005.

(The responsible person must record the 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 and record the 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.

DATE REQUIRED - 6 March 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, refer to section 3.10 of your fire risk assessment and consider the following matters:

- 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, recorded and 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 appropriate 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 14(1), 14(2)(g) and 14(2)(f) of the Regulatory Reform (Fire Safety) Order 2005.

(The responsible person must ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times, ensure that emergency routes and exits are indicated by signs, and ensure that, in the event of danger, it is possible for persons to evacuate the premises quickly and safely).

3.1 Failure

The Responsible Person has failed to maintain emergency exit routes clear and free of combustible materials at all times.

Remedy

All routes to emergency exits from the premises and the emergency exits themselves are to be kept clear at all material times the premises are occupied.

DATE REQUIRED - 6 March 2024

Supporting Information

Specific areas identified during the audit were:

- Escape route from the soft play area and first floor bingo hall discharging into the Private Road on North Street.
- Escape route discharging into Pevensey Road.
- Also identified within the fire risk assessment.

Exit routes should be subject to regular routine monitoring to ensure such routes are always maintained clear and free of combustible materials.

3.2 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 - 6 March 2024

Supporting Information

Refer to section 3.8 of your fire risk assessment and the following specific areas identified during the audit:

- Escape route from the ground floor soft play area discharging into the Private Road on North Street.
- Escape route from the smoking terrace.

3.3 Failure

The responsible person has failed to ensure that, in the event of danger, it is possible for persons to evacuate the premises quickly and safely.

Remedy

The Responsible Person must ensure that, in the event of danger, it is possible for persons to evacuate the premises quickly and safely.

DATE REQUIRED - 6 March 2024

Supporting Information

The security gate across the private road into North Street was not readily openable in an emergency. Though this route provides shared access to neighbouring premises and is locked for security purposes with a coded lock, it must be unlocked or readily and easily openable in an emergency when the premises are occupied.

4 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).

4.1 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.

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.

DATE REQUIRED - 6 March 2024

Supporting Information

Fire resisting doors should be maintained to ensure that the doors close fully and tightly against the doorstep at all times.

Specific areas identified during the audit were:

- Escape route from the smoking terrace discharging into North Street,
- Escape route from the ground floor soft play area discharging into the Private Road on North Street,
- Escape route from the ground floor soft play area discharging into North Street.

4.2 Failure

The Responsible Person has failed to ensure that the emergency lighting system provided within the premises is adequately maintained.

Remedy

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

DATE REQUIRED - 29 March 2024

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, as indicated in your fire risk assessment.

4.3 Failure

The Responsible Person has failed to ensure that the fire alarm system provided within the premises is adequately maintained.

Remedy

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

DATE REQUIRED - 6 March 2024

Supporting Information

During the audit it was observed that automatic fire detector heads were removed from their mounting plates which were visible on the ceiling. The automatic fire detection and warning system must be reinstalled and maintained to the standard detailed in the appropriate guide and in accordance with the findings in section 3.4 of your fire risk assessment.

5 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).

5.1 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 him/herself and other relevant persons on the premises in the event of fire. A competent person must carry out the training and instruction.

Supporting Information

Further information on the provision of staff training can be found in the relevant guide for the above premises, Fire Safety Risk Assessment: Small to Medium Places of Assembly (up to 300 people). This is available for free download at:

<https://www.gov.uk/government/collections/fire-safety-legislation-guidance-for-those-with-legal-duties> or can be purchased at bookshops. The frequency staff training is provided should be determined by the premises use and the findings of your fire risk assessment. It is best practice to keep a record of staff training.

All staff should be provided with adequate fire safety training by a competent person. The type of training should be based on the particular features of the premises and should:

- Take account of the recorded findings of the risk assessment.
- Explain the emergency procedures.
- Take account of the work activity and explain the duties and responsibilities of staff.
- Take place during normal working hours and be repeated periodically where appropriate.
- Be easily understandable by staff and other people who may be present.
- Be tested by fire drills.

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
7 February 2024	Enforcement	Leo Leisure	Eastbourne	ESFRS/EA/RE/0207/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.