



**East Sussex**  
Fire & Rescue Service

# EAST SUSSEX FIRE & RESCUE SERVICE

## ENFORCEMENT NOTICE

Notice No: ESFRS/BH/RB/0322/E1/24

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

**Name of Premises:** Sussex Mansions  
**Address of Premises:** 39-40 Sussex Square, Brighton, BN2 5AD  
**Responsible Person:** The Responsible Person

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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.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: 22 March 2024

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/BH/RB/0322/E1/4  
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM  
(FIRE SAFETY) ORDER 2005 ISSUED BY EAST SUSSEX FIRE AUTHORITY ON 22 MARCH  
2024.**

**Name of Premises:** Sussex Mansions

**Address of Premises:** 39-40 Sussex Square, Brighton, BN2 5AD

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 carry out a suitable and sufficient fire risk assessment for the premises.

**Remedy**

The Responsible Person must make a record of the assessment of the fire related risks to which relevant persons are exposed and identify the general fire precautions that need to be taken to comply with the published guidance.

**DATE REQUIRED – 22 April 2024**

**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. The relevant guide for this premises is the [HM Government Guide to Fire Safety Risk Assessment in Sleeping Accommodation](https://www.gov.uk/government/collections/fire-safety-legislation-guidance-for-those-with-legal-duties). It 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. 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. Where an employee is deemed to be a competent person, they should be appointed in preference to someone from outside of the workforce.

**2 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).*

**2.1 Failure**

The Responsible Person has failed to ensure that 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 - 23 September 2024**

**Supporting Information**

The means of escape are inadequately maintained.

The external escape stairway and the external gantries on the secondary escape routes from some flats show signs of corrosion and, in certain areas, handrails have become detached from the building. External escape stairs should be maintained in a safe, serviceable condition and subjected to periodic inspection by a competent person, as well as routine checks to ensure they remain clear and fit for purpose.

### **3 Failure under Article 15 of the Regulatory Reform (Fire Safety) Order 2005.**

*(The Responsible Person must establish and give effect to appropriate emergency procedures to be followed in the event of serious and imminent danger to relevant persons).*

#### **3.1 Failure**

The Responsible Person has failed to establish and give effect to appropriate emergency procedures to be followed in the event of serious and imminent danger.

#### **Remedy**

The Responsible Person must establish and give effect to appropriate emergency procedures, to be followed in the event of serious and imminent danger.

**DATE REQUIRED - 22 April 2024**

#### **Supporting Information**

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

- restricting access to dangerous areas;
- keeping relevant persons informed regarding hazards to which they may be exposed;

Further guidance is available in H.M Government publication 'supplementary guide - means of escape for disabled people.' <https://www.gov.uk/government/collections/fire-safety-legislation-guidance-forthose-with-legal-duties>

There is no evidence that a suitable evacuation plan has been produced. This is contrary to Article 15.

The existing evacuation strategy for the upper floor flats is complex, involving an unprotected main stairway and a secondary external escape stair. This external stair is accessed from the rear of some flats, via an external gantry leading to two doors and a route that crosses an internal corridor before reaching the stair. Residents spoken to were unsure of the evacuation plan and strategy.

The responsible person should devise a suitable emergency evacuation plan for all people likely to be in the premises, including disabled people, and detail how that plan will be implemented. The evacuation plan should not rely upon the intervention of the fire and rescue service to make it work.

It is good practice to record the evacuation plan in writing, include it in the Fire Safety Policy and place hard copies of the plan as Fire Action Notices in appropriate locations on the escape routes. It is a requirement of the Regulatory Reform (Fire Safety) Order 2005 that the Responsible Person for any building with two or more private dwellings and any shared parts informs all residents of the evacuation plan.

**4 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).*

**4.1 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) are to be fitted with intumescent strips and cold smoke seals. In addition, flat front doors and doors leading onto the internal and external escape routes to be fitted with self-closers. All internal fire-resisting doors should conform to the standards detailed in the appropriate guidance ([HM Government Guide to Fire Safety Risk Assessment in Sleeping Accommodation](#)).

Appoint a competent specialist to undertake a fire door survey and implement their findings.

**DATE REQUIRED - 23 September 2024**

**4.2 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 fire resistance to the standards detailed in the appropriate guidance ([HM Government Guide to Fire Safety Risk Assessment in Sleeping Accommodation](#)).

Appoint a competent specialist to undertake a compartmentation survey of the premises and implement their findings.

**DATE REQUIRED - 23 September 2024**

**Supporting Information**

During the inspection breaches in compartmentation were identified in the wall separating the boiler room from the escape route at the base of the external stair. 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.

#### **4.3 Failure**

The Responsible Person has failed to enclose the electrical intake situated on the internal stair with adequate fire resisting construction.

##### **Remedy**

The electrical meter located on the internal stair, between the ground and first floors, should be enclosed in non-combustible materials, to provide 30 minutes standard of fire resistance, in accordance with the standards detailed in the appropriate guidance ([HM Government Guide to Fire Safety Risk Assessment in Sleeping Accommodation](#)).

Fire resisting doors to store/meter cupboards need not be fitted with a self-closing device providing that they are kept locked shut when not in use but will require -

- Intumescent strips and smoke seals.
- Three brass/steel fire rated hinges.
- A "Keep Locked Shut "when not in use sign.

**DATE REQUIRED - 24 June 2024**

#### **4.4 Failure**

The Responsible Person has failed to provide adequate fire protection to the external staircase serving all floors.

##### **Remedy**

Any windows located within 1.8m horizontally of any part of the external escape staircase must be fitted with fire resisting glazing in frames fixed shut. Any glazing in doors located within 1.8m horizontally of any part of the external staircase must also be fitted with fire resisting glazing.

The glazing should conform to the standards detailed in the appropriate guidance ([HM Government Guide to Fire Safety Risk Assessment in Sleeping Accommodation](#)).

Appoint a competent specialist to undertake a survey of the fire protection of the staircase and implement their findings.

**DATE REQUIRED - 23 September 2024**

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
22/03/2024	Enforcement	Common Parts, Sussex Mansions	Brighton	ESFRS/BH/RB/0322/E1/24

The Public Register can be accessed via the internet at [www.esfrs.org](http://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.