



East Sussex
Fire & Rescue Service

EAST SUSSEX FIRE & RESCUE SERVICE ENFORCEMENT NOTICE

Notice No: ESFRS/RO/DS/0419/E1/24

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

Name of Premises: Haydens

Address of Premises: 107A-108 High Street, Rye. TN34 3SL

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.

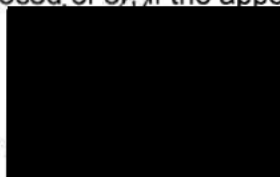
The Fire Authority is further of the opinion that the steps identified in the Schedule to this Notice must be taken to remedy the specified failures to comply with the Regulatory Reform (Fire Safety) Order 2005.

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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.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



Date: 19 March 2024

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/RO/DS/0419/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 19 APRIL
2024.**

Name of Premises: Haydens

Address of Premises: 107A-108 High Street, Rye. TN31 7JE

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. The fire risk assessment fails to address the lack of fire protection to the means of escape and the lack of competent persons to implement any emergency procedures.

Remedy

The fire risk assessment should therefore be reviewed and re-addressed with specific consideration given to the following areas: -

- The fire risk assessment should include provision of a fire protected escape route from sleeping accommodation on the first and second floors to a place of ultimate safety away from the building.
- The lack of overnight staff available to supervise and control evacuation following a robust and effective escape strategy.

DATE REQUIRED- 23 May 2024

2 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).

2.2 Failure

The Responsible Person has failed to provide adequate means of escape from the building to a place of ultimate safety. The staircase provided within block 108 does not terminate at a place of ultimate safety and cannot be considered as a protected route in its current configuration.

Remedy

The Responsible person must provide adequate fire protection to escape routes to enable movement from the building to a place of ultimate safety.

Supporting Information

Alternative solutions identified and discussed include:

Option A. A fire resisting enclosure providing a minimum of 30 minutes fire protection should be formed at first floor level separating ground and first floor within block 108. Any doorway openings within the enclosure should be fitted with a self-closing fire check doors of equivalent standard of fire resistance and maintained self-closing. Fire doors should include intumescent strips and cold smoke seals. The staircase in 107A can then be considered as a true alternative escape route out of the building.

Option B. Alternatively, a lobby should be formed at foot of the staircase at ground floor level of block 108 leading into the reception, restaurant, kitchen and store rooms. Any doors provided for this lobby should be fitted as self-closing fire check doors providing 30 minutes fire resistance. Fire doors should include intumescent strips and cold smoke seals. Fire doors should be provided with suitable vision panels so that persons using the escape can see where any fire may be and are able to escape in the alternative direction. Doors on exit routes should always be available when relevant persons are present.

DATE REQUIRED - 17 October 2024

3 Failure under Article 14(2)(g) and 14(2)(h) of the Regulatory Reform (Fire Safety) Order 2005.

(The Responsible Person must ensure that emergency routes and exits are indicated by signs).

3.1 Failure

The Responsible Person has failed to ensure that the escape routes from the premises are provided with adequate signage as signage is not provided to identify the location of the alternative staircases in both block 107A and 108

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 - 23 May 2024

- 3.2** *(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 within the emergency exit routes of the premises.

Remedy

Provide emergency lighting throughout the common parts of the premises in accordance with the current BS 5266: Part 1 and the findings of your Fire Risk Assessment.

DATE REQUIRED - 18 July 2024

4 Failure under Article 15 of the Regulatory Reform (Fire Safety) Order 2005.

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

4.1 Failure

The Responsible Person has failed to establish and give effect to appropriate emergency procedures, including safety drills, to be followed in the event of serious and imminent danger. The procedures do not consider their effectiveness particularly where supervisory staff are unavailable overnight.

Remedy

The Responsible Person must establish and give effect to appropriate emergency procedures, including safety drills, to be followed in the event of serious and imminent danger. Additional compensatory fire safety measures will need to be adopted to properly compensate for the lack of control and supervision usually provided by members of staff during an emergency.

Supporting Information

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

- How people will be warned if there is a fire (including relevant persons with a disability such as a hearing impairment);
- How the Fire and Rescue Service will be called and who is responsible for informing and controlling what guests should do if there is a fire;
- Arrangements for the safe evacuation of people identified as being especially at risk such as those with disabilities and children;
- Procedures for meeting the Fire and Rescue Service on their arrival and notifying them of any specific risks;
- nominating a sufficient number of competent persons to implement the emergency procedures;
- 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-for-those-with-legal-duties>

DATE REQUIRED - 18 July 2024

Supporting Information

Additional fire safety measures considered appropriate by East Sussex Fire and Rescue Service to enable a robust evacuation policy are attached for information in the form of, East Sussex Fire and Rescue Service, Fire Protection Bulletin 22-04.

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
19 April 2024	Enforcement	Haydens	107A-108 High Street, Rye.	ESFRS/RO/DS/0419/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.

