



East Sussex
Fire & Rescue Service

EAST SUSSEX FIRE & RESCUE SERVICE ENFORCEMENT NOTICE

Notice No: ESFRS/HA/CW /0926/E1/24

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

Name of Premises: Common Ways
Address of Premises: 148 London Road, St Leonards-On-Sea, TN37 6ND
Responsible Person: [REDACTED]

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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.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: 26 September 2024

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/HA/CW/0926/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 26
SEPTEMBER 2024.**

Name of Premises: Common ways

Address of Premises: 148 London Road, St Leonards-On-Sea, TN37 6ND

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 enclose the electrical intake situated within the corridor with adequate fire resisting construction.

Remedy

The electrical meters should be enclosed in non-combustible materials, to provide 30 minutes standard of fire resistance.

DATE REQUIRED - 28 October 2024

Supporting Information

Fire resisting doors to 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 cold smoke seals.
- Three brass/steel fire rated hinges.
- A "Keep Locked Shut" when not in use sign.

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.

DATE REQUIRED – 2 January 2025

Supporting information

Flat entrance door number 2 was inspected at time of inspection and was missing intumescent strips and cold smoke seals.
Flats 1 and 3 entrance doors at the time were not available for inspection.
Perko chain self-closers are currently present on flat entrance doors once these are in need of replacement or repair, they are to be replaced with self-closing devices that conform to BS 1154.

2 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).

2.1 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 published HM Government Guide. The fire alarm system should comply with BS 5839: Part 6 or equivalent.

In the Fire Authority's opinion, a BS 5839: Part 6: Grade A: Category LD2 System would be appropriate.

DATE REQUIRED - 2 January 2025

Supporting Information

Coverage in the common areas and a heat alarm in each flat in the room/lobby opening onto the escape route.

With a recommended Grade D: LD3 coverage in each flat (non-interlinked smoke alarm in the room/lobby opening onto the escape route) to protect the sleeping occupants of the flat.

3 Failure under Article 24 of the Regulatory Reform (Fire Safety) Order 2005. *(The responsible person in relation to residential building with two or more domestic premises with common areas must comply with the requirements of the Fire Safety England Regulations 2022)*

3.1 Failure

The responsible person has failed to comply with the following regulations:

Failure under Regulation 9(1), 9(2), 9(3), and 9(4) of The Fire Safety (England) Regulations 2022. *(The responsible person must display fire safety instructions in a conspicuous part of any building which contains two or more sets of domestic premises; and which contains common parts through which residents would need to evacuate in the case of an emergency).*

The responsible person for the premises, which contains two or more sets of domestic premises and common parts through which residents would need to evacuate in the case of an emergency, has not displayed fire safety instructions in a conspicuous part of the building.

Remedy

The responsible person must display fire safety instructions in a conspicuous part of the building.

DATE REQUIRED - 28 October 2024

Supporting Information

The said instructions must:

- (a) be in a comprehensive form that the residents can be reasonably expected to understand and;
- (b) include:
 - (i) Instructions relating to the evacuation strategy for the building (e.g., stay put or simultaneous evacuation);
 - (ii) Instructions as regards how to report a fire to the fire and rescue authority (e.g. use of 999 or 112 the correct address to give to the fire and rescue service, etc.);
 - (iii) Any other instructions that tells residents what they must do when a fire has occurred, such as ensuring that fire resisting doors have closed shut behind them when making their escape in the event of fire.

- 2** **Failure under Article 24 of the Regulatory Reform (Fire Safety) Order 2005.** *(The responsible person in relation to residential buildings with two or more domestic premises common areas must comply with the requirements of the Fire Safety England Regulations 2022).*

2.1 **Failure**

The responsible person has failed to comply with the following regulations:

Failure under Regulation 10 of The Fire Safety (England) Regulations 2022. *(The responsible person, in relation to a building which contains two or more sets of domestic premises, and which contains common parts through which residents would need to evacuate in the case of an emergency, must provide the required information about fire doors to the residents).*

Remedy

The responsible person must provide required information about fire doors in accordance with Regulation 10 to the residents of the building containing two or more sets of domestic premises and which contains common parts through which residents would need to evacuate in the case of an emergency.

DATE REQUIRED - 28 October 2024

Supporting Information

The required information is information to the effect that:

- (a) Fire doors should be kept shut when not in use.
- (b) Residents or their guests should not tamper with the self-closing devices.
- (c) Residents should report any faults or damages with doors immediately to the responsible person.

The required information must be provided by the responsible person to:

- (a) a new resident of domestic premises in the building, as soon as reasonably practicable after that residents moves into the premises.
- (b) to all residents of domestic premises within the building, within each period of 12 months beginning with the date these Regulations came into force on 23rd January 2023.

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
26/09/2024	Enforcement	Common Ways	St Leonards-On-Sea	ESFRS/HA/CW /0926/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.