



EAST SUSSEX FIRE & RESCUE SERVICE ENFORCEMENT NOTICE

Notice No: ESFRS/EA/RE/0426/E1/24

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

Name of Premises: Common Ways, South Cliff Tower
Address of Premises: 16 Bolsover Road, Eastbourne, BN20 7JW
Responsible Person: South Cliff Tower (Eastbourne) Limited

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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.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

Date: 26 April 2024

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/EA/RE/0426/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 APRIL
2024.**

Name of Premises: Common Ways, South Cliff Tower
Address of Premises: 16 Bolsover Road, Eastbourne, BN20 7JW

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)(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

The fire resistance of existing flat entrances, common way and cupboard doors within the common means of escape should be inspected, and where it is found that in accordance with published HM Government guidance, improvements are required, to make those improvements as necessary.

DATE REQUIRED - 25 April 2025

Supporting Information

There has been comprehensive door surveys carried out previously alongside the necessary fire risk assessment (Jamie Ballan Associates - 21.12.2021 and Summit Environmental - 20.11.2023). Both surveys have identified doors and / or associated furniture and signage where upgrading or repair is required.

It is considered that the Fire Safety in Purpose Built Blocks of Flats Guide is the appropriate guide to follow; where detailed information can be found on the suitability of existing doors that are required to be fire resisting, and the measures that may be required to replace or update them in existing buildings. This guide can be found with the following link [Fire safety in purpose-built blocks of flats - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/fire-safety-in-purpose-built-blocks-of-flats)

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 others similar items.

DATE REQUIRED - 25 July 2024

Supporting Information

The premises fire risk assessment identifies several locations where breaches in compartment floors and walls require fire stopping and suggests a full compartmentation survey is conducted by a competent contractor on the building to itemize the fire stopping issue and identify the fire compartmentation solution required.

1.3 Failure

The Responsible Person has failed to take appropriate measures to keep the means of escape free from smoke in case of fire.

Remedy

Appoint a competent and qualified specialist to determine the appropriate provision for automatically opening vents required to be provided in the common stair and implement the recommendations.

DATE REQUIRED – 25 April 2025

Supporting Information

It is considered that the "Fire Safety in Purpose-Built Blocks of Flats" guide (HM Guidance) is the appropriate guide to follow, where detailed information can be found on smoke ventilation requirements in existing buildings.

1.4 Failure

The responsible person has failed to take measures to reduce the risk of the spread of fire and smoke throughout the premises.

Remedy

Appoint a competent specialist to determine the appropriate means to reduce the risk of spread of fire and smoke throughout the premises and carry out the necessary actions to address the issue accordingly.

DATE REQUIRED – 25 April 2025

Supporting Information

There is no lobby between the ground floor and first floor flats' entrance doors and the common stairway. Also on the ground floor is the large reception area and porters' office leading to the common stairway serving the ground floor and first floor flats. HM Guidance indicates the provision of two certified fire doors forming a lobby between each flat and the single stair means of escape is required. In the case of South Cliff Tower, such lobbies will reduce the extensive travel distance from these flats to a final exit.

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 fighting equipment and with 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

Engage a competent fire alarm engineer to examine the cause and effect of the current fire alarm system within the premises in order to confirm the system satisfactorily meets the recommendations detailed in the HM Government Guide and repair or adjust accordingly.

DATE REQUIRED - 25 July 2024

Supporting Information

There is currently a phased evacuation policy, with occupants of the alerted fire floor, 1 floor above and 1 floor below evacuating the building with the remaining floors 'stay put'. This strategy does not meet the guidance for this type of building, as provided in the HM Government Guide.

Activation of the common way detectors appear to activate sounders on all floors contradicting the evacuation plan.

Common alarm systems within purpose-built blocks of flats is usually unnecessary and normally undesirable for numerous reasons, such as described in the Purpose-Built Blocks of Flats Guide.

Detection in the common ways should only be linked to the main panel and Automatic Opening Vents (AOVs) at the head of the stairway without sounding a common alarm.

The most important provision of alarm systems is a means of detection within individual flats to give early warning of a fire to the occupants that they may react and escape from a fire within their flat.

It is recommended that each flat should have its own standalone fire alarm system conforming to the relevant British Standard. In the Fire Authorities opinion, a BS 5839: Part 6: Category LD 3 system would be appropriate.

3 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).

Failure under Regulation 8 of The Fire Safety (England) Regulations 2022.

(The responsible person in relation to a high-rise residential building must ensure that the building contains clear markings of floor identification and identification of domestic premises).

3.1 Failure

The Responsible Person has not installed clear markings of floor identification and identification of domestic premises within The Premises, which is a high-rise residential building.

Remedy

The Responsible Person must ensure that the building contains clear markings of floor identification and identification of domestic premises within The Premises, which is a high-rise residential building.

DATE REQUIRED - 25 July 2024

Supporting Information

For the purposes of paragraph (1), the “markings” means an identification designed and located in accordance with the guidance in Volume 1 of Approved Document B(4) on each landing within the stairways and in the lift lobbies of the floor level marked in such a way as to be visible both in low level lighting conditions or when illuminated with a torch. Current markings do not meet published guidance and are not considered suitable.

4 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 of the building).

4.1 Failure

The Responsible Person has not provided information about fire doors to the residents of the building.

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 - 25 July 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 resident 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.

4.2 Failure

The Responsible Person has not used best endeavours to undertake checks of fire doors at the entrances of individual domestic premises in the building at least every 12 months.

Remedy

The Responsible Person for The Premises, which contains two or more sets of domestic premises, and which is above 11 meters in height must use best endeavours to undertake checks of fire doors at the entrances of individual domestic premises in the building at least every 12 months. The checks of fire doors required by Regulation 10(4) includes ensuring the self-closing devices for the doors are working.

DATE REQUIRED - 25 July 2024

4.3 Failure

The Responsible Person has not kept a record of the steps taken to comply with Regulation 10(4)

Remedy

The Responsible Person must keep a record of the steps taken to comply with the obligation in paragraph (4) including in any case where access to the domestic premises was not granted during any 12-month period, and the steps taken by the responsible person to try and gain access.

DATE REQUIRED - 25 July 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
26/04/2024	Enforcement	Common Ways, South Cliff Tower	Eastbourne	ESFRS/EA/RE/0426/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.