



EAST SUSSEX FIRE & RESCUE SERVICE ENFORCEMENT NOTICE

Notice No: ESFRS/BH/PS/1023/E1/24

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

Name of Premises: Martello Lofts
Address of Premises: 315 Portland Road, Hove, BN3 5SE
Responsible Person: RC Developments (Martello) Limited, 2 St James's Street, London, England, SW1A 1EF

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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.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: 23 October 2024

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/BH/PS/1023/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 23 OCTOBER
2024.**

Name of Premises: Martello Lofts

Address of Premises: 315 Portland Road, Hove, BN3 5SE

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 take measures to reduce the risk of the spread of fire and smoke throughout the premises.

Remedy

Provide appropriate compartmentation throughout the premises in accordance with the standard detailed in the appropriate published HM Government Fire Safety Guide.

DATE REQUIRED - 23 April 2025

Supporting Information

At the time of the inspection, it was identified that there was inadequate compartmentation of the following areas:

- The lift shaft is inadequately separated from the common ways.
- The third storey under construction is inadequately separated from the second-floor dwellings and north staircase.

1.2 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 the appropriate fire resistance in accordance with building regulations.

The fire resistance should conform to a relevant standard e.g., Appendix B (including Table B3, B4) of Approved Document B Volume 1 Dwellings.

Compliance with this or an equivalent standard will normally satisfy this requirement.

DATE REQUIRED - 23 April 2025

Supporting Information

The fire risk assessment completed by DP Maree Limited on the 9th of February 2024 and the Passive Fire Survey completed by Gemini AMPM on the 6th of April 2023 identified several breaches in compartmentation.

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.

In the Fire Authority's opinion, completing all the remedial works specified in the above survey and fire risk assessment, should be appropriate.

1.3 Failure

The Responsible Person has failed to take measures to reduce the risk of external fire spread.

Remedy

Take all appropriate measures to ensure the external envelope of the building and all attachments will not contribute to undue fire spread from one part of the building to another part.

DATE REQUIRED - 23 April 2025

Supporting Information

The external envelope of the building should not contribute to undue fire spread from one part of a building to another part. This intention can be met by constructing external walls so that both of the following are satisfied.

- a) The risk of ignition by an external source to the outside surface of the building and spread of fire over the outside surface is restricted.
- b) The materials used to construct external walls, and attachments to them, and how they are assembled do not contribute to the rate of fire spread up the outside of the building.

The fire risk assessment completed by DP Maree Limited on the 9th of February 2024 recommends that the combustible balcony materials are replaced with materials which are non-combustible.

The fire risk appraisal of the external wall construction completed by Oakleaf Surveying Ltd and issued on the 17th of July 2023 considers that an intrusive survey is required to ascertain the fire risk. Any remedial work required must be completed.

In the Fire Authority's opinion, completing the recommendations of the risk assessments should be appropriate.

- 2 Failure under Article 14(2)(b) of the Regulatory Reform (Fire Safety) Order 2005.**
(The responsible person must ensure that, in the event of danger, it is possible for persons to evacuate the premises quickly and safely).

2.1 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 - 23 April 2025

Supporting Information

During the inspection, it was identified that the automatic opening vent in the north stair has been re-located to within the third storey under construction but has been separated from the stair by scaffolding.

The smoke vents in the corridors appear to open out into the top storey under construction.

Appoint a competent person to test the smoke control system and to confirm it is suitable and sufficient. Any remedial work required must be completed.

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
23/10/2024	Enforcement	Martello Lofts	Hove	ESFRS/BH/PS/1023/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.