



# EAST SUSSEX FIRE & RESCUE SERVICE ENFORCEMENT NOTICE

Notice No: ESFRS/HA/PMC/0311 /E1/25

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

**Name of Premises:** The Promenade  
**Address of Premises:** 17-18 Eversfield Place, St. Leonards-on-Sea, TN37 6BZ  
**Responsible Person:** Dauber Homes Management Limited  
Eldo House, Kempson Way, Suffolk Business Park, Bury  
St. Edmunds, Suffolk, IP 32 7AR

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of suspending the operation of this Enforcement Notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.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: 11 March 2025

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

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO ESFRS/HA/PMC/0311 /E1/25  
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM  
(FIRE SAFETY) ORDER 2005 ISSUED BY EAST SUSSEX FIRE AUTHORITY ON 11 MARCH  
2025**

**Name of Premises:**        **The Promenade**

**Address of Premises:**   **17-18 Eversfield Place, St. Leonards-on-Sea, TN37 6BZ**

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 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 – 9 September 2025**

**Supporting information**

During the inspection it was noted that the service hatch on the ground floor was not fully secure, further inspection showed no compartmentation between floors.

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.

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. HM Government Guide: Sleeping Accommodation.

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

**2 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).*

**2.1 Failure**

The Responsible Person has failed to ensure that the fire risk assessment is reviewed on a regular basis.

**Remedy**

The fire risk assessment is to be reviewed on a regular basis, particularly if there is reason to suspect that it may no longer be valid. The Responsible Person must review the current fire risk assessment and identify the general fire precautions that need to be taken to comply with the published guidance.

**DATE REQUIRED – 8 April 2025**

**Supporting information**

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

- Compartmentation for the premises
- Height of the building regarding the Fire Safety England Regulations 2022
- Flat front doors, communal doors and riser cupboard doors

For the purposes of identifying the measures to be taken to comply with the relevant Legislation, you should continue to review your Fire Risk Assessment on a regular basis, particularly if there is reason to suspect that it may no longer be valid.

Meaning of high-rise residential building

3.—(1) In these Regulations “high-rise residential building” means a building containing two or more sets of domestic premises that—

(a) is at least 18 metres above ground level; or

(b) has at least seven storeys.

(2) For the purposes of paragraph (1)—

(a) the height of a building is to be measured to the height to the top storey in accordance with Appendix D to Approved Document B;

(b) when determining the number of storeys a building has—

(i) any storey which is below ground level is to be ignored,

(ii) any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level, and

(iii) a storey is treated as below ground level if any part of the finished surface of the ceiling of the storey is below the ground level immediately adjacent to that part of the building.

- 4 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).*

**4.1 Failure**

The AOV located on the single staircase has not been adequately maintained. This is contrary to Article 17.

**Remedy**

AOV's should be tested weekly to ensure that the smoke ventilation is operating effectively. A weekly test should involve the operation of the system to ensure that it works correctly. Every three months, there should be an actuation of all smoke control systems where all zones should be separately tested, and it should be ensured that all items operate correctly. There should also be a full system inspection and test carried out by a suitably qualified person at least annually.

A record of this testing and maintenance should also be kept for best practice.

**DATE REQUIRED – 3 June 2025**

**Supporting information**

It was noted during the inspection that the AOV has a function on the ground floor to open and close the AOV, however on closer inspection it was found that the AOV does not close automatically and currently a rope is used to close the system on a magnetic lock due to the removal of the automatic actuator that will allow the AOV to close when the button is pressed on the ground floor panel.

Suitable mechanical and electrical system components should be selected to meet the intended design criteria under the defined fire conditions for the system.

- 5 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 4(1) of The Fire Safety (England) Regulations 2022.**

*(The responsible person in relation to a high-rise residential building must install and maintain a secure information box in or on the building).*

**5.1 Failure**

The Responsible Person has failed to install and maintain a secure information box in or on The Premises, which is a high-rise residential building.

**Remedy**

The Responsible Person must install and maintain a secure information box appropriately in or on The Premises, which is a high-rise residential building.

**DATE REQUIRED – 8 April 2025**

**Supporting Information**

The information that must be contained within the secure information box includes:

- (a) the name, address and telephone number within the United Kingdom of the responsible person.
- (b) the name and contact information of such other persons within the United Kingdom who are provided with the facilities to and are permitted to access the building as the responsible person considers appropriate.
- (c) a hard copy of the floor plans and the building plan.

- 6 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 5(1) and 5(2) of The Fire Safety (England) Regulations 2022.**

*(The responsible person in relation to a high-rise residential building must prepare a record of the design of the external walls of the building, including details of the materials from which they are constructed).*

**6.1 Failure**

The Responsible Person has not prepared a record of the design of the external walls of the building.

**Remedy**

The Responsible Person must prepare a record of the design of the external walls of the building, which is referred to in this Notice as The Premises, including details of the materials from which the said external walls are constructed, the level of risk identified in the risk assessment required under article 9 of the Regulatory Reform (Fire Safety) Order 2005 that the design and materials of the external walls give rise to, and any mitigating steps that have been taken in respect of that risk.

**DATE REQUIRED – 8 April 2025**

**Supporting Information**

A record must be prepared of the design of the external walls of the building including details of the materials from which the said external walls are constructed in accordance with Regulation 5(1) and (2). This record should include: -

- (a) details of the materials from which the said external walls are constructed; including insulation, and any cladding, and the said details should be determined by a person sufficiently competent to effectively ascertain them.
- (b) the level of risk identified in the risk assessment required under article 9 of the Regulatory Reform (Fire Safety) Order 2005 that the design and materials of the external walls give rise to, including any known defects in the construction (either as originally built or currently)
- (c) any mitigating steps that have been taken in respect of that risk.

The required information as set out above can be provided to East Sussex Fire and Rescue Authority through completing the relevant parts of the External Wall Information (office.com), accessed through East Sussex Fire and Rescue Service's website. To evidence compliance, it is recommended that you retain proof of when the completed form is sent to The Authority.

- 7 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 6(1), 6(2), 6(3), 6(4) and 6(5) of The Fire Safety (England) Regulations 2022**

*(The responsible person in relation to a high-rise residential building must prepare a plan for each floor of the high-rise residential building).*

**7.1 Failure**

The Responsible Person has not prepared a plan for each floor of The Premises ("The Premises"), which is a high-rise residential building.

**Remedy**

The Responsible Person must prepare a plan for each floor of the high-rise residential building must be prepared in accordance with Regulation 6(2). The floor plans must, together, identify the location of all lifts and identify if the lift is one for use by firefighters or an evacuation lift, and the key fire-fighting equipment in the whole building.

**DATE REQUIRED – 3 June 2025**

**Supporting Information**

Regulation 6(3) identifies –

If the plans for two or more floors of a high-rise residential building would be the same in all material respects, the responsible person may comply with the obligation under paragraph (1) in relation to those floors by preparing a single plan that clearly indicates the floors to which the plan relates.

- 8 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).*

**8.1 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 – 3 June 2025**

**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 (Page 105 – 106 paragraphs 15.13 to 15.16) 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.

<b>9</b>	<p><b>Failure under Regulation 10 of The Fire Safety (England) Regulations 2022.</b>  <i>(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).</i></p>
<b>9.1</b>	<p><b>Failure</b>  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.</p> <p><b>Remedy</b>  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.</p> <p><b>DATE REQUIRED – 3 June 2025</b></p>
<b>9.2</b>	<p><b>Failure</b>  The Responsible Person has not undertaken checks of any fire doors in communal areas of the building at least every 3 months.</p> <p><b>Remedy</b>  The Responsible Person in relation to a building which contains two or more sets of domestic premises, and which is above 11 metres in height, must undertake checks of any fire doors in communal areas of the building at least every 3 months. The checks of fire doors required by Regulation 10(6) includes ensuring the self-closing devices for the doors are working.</p> <p><b>DATE REQUIRED – 3 June 2025</b></p>

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
11/03/2025	Enforcement	The Promenade	Hastings	ESFRS/HA/PMC/0311 /E1/25

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.

