

For the Attention of Trevor Durham
Licensing Manager

Contact Name & Address
P Bryan

Our Reference
J229-781/PB/SLR

Your Reference

North Area – Chesterfield Office
Chesterfield Community Fire Station
Spire Walk Business Park
Braidwood Way
Chesterfield
Derbyshire
S40 2WH

Date
2 December 2015

Contact Telephone No & Ext
01246 223500

Dear Sir

REGULATORY REFORM (FIRE SAFETY) ORDER 2005
THE RED LION 261 CHATSWORTH ROAD CHESTERFIELD DERBYSHIRE S40 2BL

An initial fire safety visit was made on the 23 July 2015 to carry out an audit as required by the Fire Safety Order 2005. Following this visit an Enforcement Notice was served on Mr Mark Angelsea. The Enforcement Notice detailed failures of the Fire Safety Order. These failures were as follows:-

- Duties to take general fire precautions.
- Lack of Fire Risk Assessment.
- Inadequate fire detection
- Lack of evacuation plan
- Lack of maintenance of firefighting equipment
- Lack of maintenance of emergency lighting system
- Lack of maintenance to building fire protection
- Lack of training to employees.

Further visits were made on the 4 September 2015 and 30 November 2015. Efforts have also been made to contact Mr Angelsea by text and telephone to arrange visits.

At present, due to not being able to gain entry, I am not able to determine whether the Enforcement Notice dated 29 July 2015 (enclosed) has been complied with.

Derbyshire Fire & Rescue Service as a Responsible Authority has concerns under the Public Safety Licensing Objective and would wish to join the application for Review under the Licensing Act 2003.

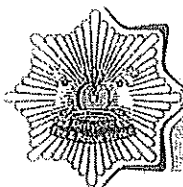
Yours faithfully

Phil Bryan
Fire Inspector

email: reception@derbys-fire.gov.uk
www.derbys-fire.gov.uk

Chief Fire Officer / Chief Executive
Terry McDermott MA





Derbyshire Fire & Rescue Service

Making Derbyshire Safer

The Red Lion
261 Chatsworth Road
Chesterfield
Derbyshire
S40 2BL

For the Attention of Mr Mark Anglesea

Headquarters
The Old Hall, Burton Road,
Littleover, Derby. DE23 6EH

Contact Name & Address
P Bryan

North Area – Chesterfield Office
Chesterfield Community Fire
Station
Spire Walk Business Park
Braidwood Way
Chesterfield
Derbyshire S40 2WH
Contact Telephone No & Ext
01246 223500

Telephone No
01332 771221
Fax No
01332 270360
Minicom Number
01332 271900
Our Reference
J229-781A/PB/SLR
Your Reference

Date
29 July 2015

Dear Sir

ENFORCEMENT NOTICE

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005
THE RED LION 261 CHATSWORTH ROAD CHESTERFIELD DERBYSHIRE S40 2BL

Derbyshire Fire and Rescue Authority is the enforcing authority, under Article 25 of the above legislation.

Following a fire safety audit of the above premises on 23 July 2015 I confirm that the matters and steps specified on the attached Schedule need to be carried out to remedy your failure to comply with the above legislation.

The attached Enforcement Notice is a legal requirement to which you have a right of appeal to a Magistrates' Court. Your attention is drawn to the notes that accompany this Notice.

If you are in any doubt as to the obligations placed upon you, or there is any relevant matter upon which you require clarification, you may write or alternatively telephone your enquiry to the inspector named above.

Yours faithfully

For and on behalf of Derbyshire Fire and Rescue Authority

Enc: Enforcement Notice
Schedule to Enforcement Notice
Notes and Standard Terms and Definitions

email: enquiries@derbys-fire.gov.uk
www.derbys-fire.gov.uk

Chief Executive
Joy Smith
MBA FCIPD



Enforcement Notice Number: J229-781/PB/1

DERBYSHIRE FIRE AND RESCUE AUTHORITY
ENFORCEMENT NOTICE
NOTICE REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE
REGULATORY REFORM (FIRE SAFETY) ORDER 2005

Name:	MR MARK ANGLESEA
Premises:	THE RED LION 261CHATSWORTH ROAD CHESTERFIELD DERBYSHIRE S40 2BL
Address:	261CHATSWORTH ROAD CHESTERFIELD DERBYSHIRE S40 2BL

I Philip John Brian on behalf of the Derbyshire Fire and Rescue Authority, The Old Hall, Burton Road, Littleover, Derby, DE23 6EH, hereby give you notice that the Derbyshire Fire and Rescue Authority (the Fire and Rescue Authority) is 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 provisions of The Regulatory Reform (Fire Safety) Order 2005 which have not been complied with and the matters which, in the opinion of the Fire and Rescue Authority, result in the failure to comply with the aforementioned provisions of the Regulatory Reform (Fire Safety) Order 2005 are specified in the schedule to this notice.

The Fire and Rescue Authority is further of the opinion that the steps identified in the schedule to this notice must be taken to remedy the specified failure(s) to comply with The Regulatory Reform (Fire Safety) Order 2005.

Unless the steps identified in the Schedule to this notice have been complied with by **30 September 2015** you will be regarded as not being in compliance with this notice and the Fire and Rescue 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 this 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.

Date: 29/7/2015

Signed:

(On behalf of and duly authorised by Derbyshire Fire and Rescue Authority)

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NUMBER: J229-781/PB/1
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM
(FIRE SAFETY) ORDER 2005
ISSUED BY DERBYSHIRE FIRE AND RESCUE AUTHORITY ON 29 JULY 2015**

Name and Address of Premises:

THE RED LION 261 CHATSWORTH ROAD CHESTERFIELD DERBYSHIRE S40 2BL

Where appropriate, a plan may form part of this Schedule to illustrate the steps which, in the opinion of the Fire and Rescue 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 and Rescue 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 bodies having a statutory interest.

The matters which are considered to be failures to comply with The Regulatory Reform (Fire Safety) Order 2005 and the steps to remedy those matters are detailed below; guidance may be obtained from the following publication:

**"Fire Safety Risk Assessment in Small and Medium Places of Assembly
ISBN: 978 1 85112 820 4"**

Failure number: 1.

Duty to take General Fire Precautions

Failure

To take such general fire precautions as will ensure, so far as reasonably practicable, the safety of employees.

Legislation Applicable

Article 8 (1) (a) of the Regulatory Reform (Fire Safety) Order 2005 supported by Article 4, which determines what is meant by general fire precautions (see appendix one).

Duty to take General Fire Precautions

Failure

In relation to relevant persons who are not his employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.

Legislation Applicable

Article 8 (1) (b) of the Regulatory Reform (Fire Safety) Order 2005 supported by Article 4, which determines what is meant by general fire precautions (see appendix one).

Steps to remedy the failure:

All openings in the walls, floors, partitions and ceilings for the passage of service piping, ducts or cables, to be adequately sealed using materials affording at least half hour standard of fire resistance in order to minimise the danger of spread of smoke, heat or fumes.

Particular attention should be given to the cellar area.

Failure number: 2.

Risk Assessment**Failure**

A Fire Safety Risk Assessment has not been carried out.

Legislation Applicable

Article 9 (1) of the Regulatory Reform (Fire Safety) Order 2005.

Steps to remedy the failure:

Undertake a suitable and sufficient fire risk assessment for the premises and implement the significant findings. The fire risk assessment should be carried out by a competent person. The assessment should also consider the matters in this notice.

Failure number: 3.

Fire Safety Arrangements**Failure**

To make and give effect to such arrangements for planning, organising, controlling, monitoring and review of the preventative and protective measures.

Legislation Applicable

Article 11 (1) of the Regulatory Reform (Fire Safety) Order 2005.

Steps to remedy the failure:

Management should be able to demonstrate, in a recorded form, that they have appropriate arrangements in place for the day-to-day running of the business, which includes recognition that fire safety is an important consideration.

Failure number: 4.

Fire Fighting and Fire Detection**Failure**

The fire detection system is inadequate.

Legislation Applicable

Article 13 (1) (a) & 13 (2) of the Regulatory Reform (Fire Safety) Order 2005.

Steps to remedy the failure:

The fire detection system was not working during the audit. An assessment should be made of the suitability of the fire alarm system and it should be either repaired or replaced.

Failure number: 5.

Procedures for Serious and Imminent Danger and for Danger Areas

Failure

The procedures, including safety drills, to be followed in the event of serious and imminent danger to relevant persons were inadequate.

Legislation Applicable

Article 15 (1) (a) of the Regulatory Reform (Fire Safety) Order 2005.

Steps to remedy the failure:

Produce and implement a fire evacuation plan for the premises; the responsible person is under a duty to provide appropriate procedures to be followed in the event of a fire. The procedures should be supported by appropriate training and instruction including safety drills which should be recorded as staff training.

Failure number: 6.

Maintenance

Failure

The manual fire fighting equipment is inadequately maintained.

Legislation Applicable

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005.

Steps to remedy the failure:

Fire extinguishers should be covered by a suitable system of maintenance and maintained by a competent person in an efficient state. They should be tested annually and checked monthly. Records of testing should be kept.

Failure number: 7.

Maintenance

Failure

The fire alarm system is inadequately maintained.

Legislation Applicable

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005.

Steps to remedy the failure:

The fire alarm system should be suitably maintained. It needs to be regularly checked and properly maintained (including inspection and testing by a competent person as necessary) at suitable intervals and any faults rectified as soon as possible.

Failure number: 8.

Maintenance

Failure

The emergency lighting is inadequately maintained.

Legislation Applicable

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005.

Steps to remedy the failure:

The emergency lighting system must be suitably maintained. It needs to be regularly checked and properly maintained (including inspection and testing by a competent person as necessary) at suitable intervals and any faults rectified as soon as possible.

Failure number: 9.

Maintenance**Failure**

The structural fire precautions are inadequately maintained.

Legislation Applicable

Article 17 (1) of the Regulatory Reform (Fire Safety) Order 2005.

Steps to remedy the failure:

Structural fire precautions (i.e. fire doors) must be covered by a suitable system of maintenance and maintained by a competent person in an efficient state. A monthly check that fire doors are in good working order and closing correctly and that the frames and seals are intact is considered suitable. Fire doors should be capable of resisting the passage of smoke and fire for long enough so that people can escape from the building. Fire doors should not be wedged open as a matter of routine and should be kept closed whilst not in use. Records of testing must be kept.

Failure number: 10.

Provision of Information to Employees**Failure**

To provide comprehensible and relevant information to employees on appropriate procedures and drills to be followed in the event of serious and imminent danger.

Legislation Applicable

Article 19 (1) (c) of the Regulatory Reform (Fire Safety) Order 2005.

Steps to remedy the failure:

You should ensure that your staff are informed of relevant significant findings from your fire risk assessment especially issues which impact on evacuation procedures.

Failure number: 11.

Training**Failure**

Inadequate safety training is provided to enable the employees to safeguard themselves and other persons on the premises.

Legislation Applicable

Article 21 (2) (a) of the Regulatory Reform (Fire Safety) Order 2005.

Steps to remedy the failure:

Undertake staff training in general fire precautions, principles of prevention and evacuation procedures. Keep a written record of the type and content of fire training given. Staff would also require additional training where they are expected to assist less abled persons.

You may take other means to comply with this Notice but they must be equally effective; you are advised to seek advice from either a Derbyshire Fire and Rescue Authority Fire Inspector or other specialist before you do so.