

**East Sussex Fire & Rescue Service**  
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**In the case of emergency please dial 999**

26 February 2024

please ask for

██████████

our ref

██████████

Dear Sir

**Section 53A-C Licensing Act 2003 - Review - Karen's Diner, Unit 3B Boardwalk Level, Waterfront, Brighton Marina, Brighton, BN2 5WA**

On the grounds of Public Safety, ESFRS wish to submit a supporting statement regards the above premises license.

Following an inspection in December 2023 due to a fire safety complaint an informal notice was issued identifying 14 areas of non-compliance. During a follow up inspection in February little effort has been made to address these areas to achieve compliance with the Regulatory Reform (Fire safety) Order 2005 or the Licensing Conditions relating to Public Safety as the majority are still outstanding.

The areas of concern are:

- Failure to implement the significant findings of the fire risk assessment to address fire related risks to which relevant persons are to comply with published guidance.
- Inadequate fire detection and warning system installed in the premises.
- Inadequate maintenance of existing fire detection and warning system, emergency lighting, fire-fighting equipment, kitchen suppression system, kitchen extractor system and maintaining the means of escape readily available whilst occupied.
- Remedial works identified in the previous Electrical Installation Certificate Report (EICR) have not been actioned.
- Inadequate fire safety policy in place.
- Inadequate co-operation and co-ordination with the RP of Malmaison Hotel.

Therefore, we would ask the licensing sub-committee to consider revoking the licence as a result of the on-going non-compliance with the conditions in the licence and the Regulatory Reform (Fire Safety) Order 2005. This non-compliance is placing the public at risk on a daily basis.

Supporting Information:

**04/12/23** – Fire safety complaint received regards inadequate fire safety arrangements, failed electrical tests and concerns management were ignoring requests to address.

**05/12/23** – Fire Safety Inspecting Officer attended the site. 14 areas of non-compliance identified and discussed with the kitchen manager Paul Roberts. These included:

- The significant findings from the FRA have not been implemented within the timescales given.
- Several fire doors in the premises do not meet the required FD30s standard and are not being maintained – self-closers missing, strips and seals missing, panels removed from cupboard door structure.
- Inadequate fire alarm system – manual call points missing from each final exit, fire alarm panel in an inaccessible and unreadable location, no zone plan provided.
- Fire alarm system not being tested or maintained as per the British Standard
- Emergency Lighting not being tested or maintained as per the British Standard
- Inadequate type and number of fire extinguishers present as identified in the Fire Risk Assessment
- Fire-fighting equipment not being maintained. Last test date was 26.06.22 (should be annual)
- The Ansul fire suppression system not being tested or maintained.
- Means of escape not being adequately maintained. Obstructions not being managed and therefore the routes are not being kept clear at all times.
- No evacuation plan.
- No fire safety policy written.
- Inadequate co-operation and co-ordination with Malmaison Hotel. FRA significant findings and evacuation plans not being shared.
- No records of servicing and maintenance of the HVAC system
- No current satisfactory EICR, remedial works had not been undertaken.
- No evidence of maintenance of the kitchen extractor system.

**07/12/23** - An informal notice was issued detailing each failure, the required remedy and the required due date for each.

**09/02/24** – Follow up visit carried out to check progress against the 14 identified failures. Only 3/14 have been addressed. 4 are now overdue:

5 failures with a due date of 7<sup>th</sup> Jan 2024:

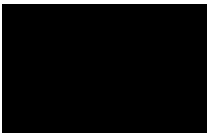
- **EICR** – provided evidence a new EICR has been carried out and provided the quote for the remedial works but has not confirmed this work has been booked and is yet to be complete - **overdue**

- **Fire Safety Policy** – no progress - **overdue**
- **Fire Alarm testing** – stated this has been completed, asked to send test certificate. Not received as of 25.02.24 so unable to confirm - **overdue**
- **Means of escape** – no action regards ongoing management of the escape routes, obstructions observed and asked to clear again during visit - **overdue**
- **Evacuation Plan** – Been updated and a copy placed on the wall – **complete**

9 failures with due date 7<sup>th</sup> March (so not yet overdue):

- **HVAC servicing** – quotes obtained but no servicing date booked.
- **Kitchen Extraction System servicing** – quotes obtained but no servicing date booked.
- **Emergency lighting testing** – has been tested, asked to supply record of testing but not yet received so unable to confirm.
- **Fire fighting equipment** – new annual test undertaken, test label updated.
- **Fire suppression system servicing** – no action
- **Co-operation & Co-ordination with Malmaison Hotel** – no action
- **Fire doors** – no action
- **Upgrading the fire alarm to include manual call points, a zone plan and relocated panel** – no action.
- **Adequate number & type of fire extinguishers** – ordered.

Yours faithfully



**FIRE SAFETY INSPECTOR  
WEST FIRE SAFETY TEAM MANAGER**

