

**NORTHAMPTON BOROUGH COUNCIL**

**LICENSING AUTHORITY**

**NOTICE OF HEARING**

**A Meeting of the Licensing Sub-Committee will be held on**

**Thursday, 7 June 2012 at 12:00 pm**

In The Council Chamber, St. Giles Square, Northampton, NN1  
1DE. The Guildhall, Northampton  
to hear the relevant representations and notices raised in respect of

**Application for a Temporary Events Notice  
FLUX**

## PROCEDURES FOR LICENSING SUB-COMMITTEE HEARING

- **Welcome** – Chairman welcomes the Applicant, Representors, Responsible Authorities and Interested Parties and introduces members of the sub-committee (+ other officers e.g. Solicitor, Licensing Officer, Meetings Services clerk etc).
- **Reason for Hearing** – to be outlined by the **Licensing Officer** or the **Chair**.
- **Format of the hearing** – an explanation of the format of the proceedings:
  1. **Applicant** (or his/her representative) will address the sub-committee first and put their case.
  2. **The Chair** leads an examination of the **Applicant's case**. First, the panel may ask questions and then the Chair invites Responsible and Interested Parties to participate. Questions may only relate to the points made by the applicant.
  3. **The Representors** (and responsible and Interested Parties) then state their case.
  4. **The Chair** leads an examination of the **Representor's case**.

Each party will be given an equal maximum period of time in which to present their case and may, if given permission by the Chair, question any other party.

- **Summing Up**
  - By the Representors
  - By the Applicant
- **Sub-committee retires** – and may call for the Solicitor for advice if required.
- **Sub-Committee deliver their decision and reasons for their decision at the conclusion of the meeting IF:**
  1. Application for conversion of existing licence
  2. Application for conversion of existing club certificate
  3. Application by holder of justices' licence for grant of personal licence
  4. Application for conversion and variation of premises licence (including variation of DPS)
  5. Application for conversion and variation of club premises certificate
  6. Counter notice following police objection to temporary event notice
  7. Review of Premises Licence following Closure Order

In all other cases, the Sub-committee delivers its decision and reasons for its decision within five working days beginning with the day on which the hearing was held.

## Temporary Event Notice

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport ([http://www.culture.gov.uk/alcohol\\_and\\_entertainment/default.htm](http://www.culture.gov.uk/alcohol_and_entertainment/default.htm)) or from your local licensing authority.

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	EBULUBU		
Forenames	CYRIL		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day 09	Month 07	Year 1963
4. Your place of birth	DZA		
5. National Insurance Number	SE 09 35 31 D		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
19 STREAMBANK ROAD			
Post town	NORTHAMPTON	Post code	NN3 8YG
7. Other contact details			
Telephone numbers Daytime	01604 670340		
Evening (optional)			
Mobile (optional)	07727102800		
Fax number (optional)			
E-Mail Address (optional)	clubalantix@gmail.com		
8. Alternative address for correspondence (If you complete the details below, we			

LICENSING  
18 MAY 2012

LICENSING  
18 MAY 2012

(7)

will use this address to correspond with you)	
Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (optional)	

<b>2. The premises</b>
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)
FLUX 94 BRIDGE STREET NORTHAMPTON. NN1 1PD
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)
NONE
Please describe the nature of the premises below. (Please read note 4)
Please describe the nature of the event below. (Please read note 5)
GUEST DJ'S ACTIVITIES

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 7)	
8 <sup>th</sup> and 9 <sup>th</sup> JUNE 2012	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 8)	
21.00 - 06.00 hours	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9)	250
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 10)	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input checked="" type="checkbox"/>

4. Personal licence holders (Please read note 11)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	NORTHAMPTON BOROUGH COUNCIL	

Licence number	
Date of issue	
Date of expiry	
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 12)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 13)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>


7. Checklist (Please read note 14)	
I shall (Please mark the appropriate boxes with an "X")	
Send two copies of this notice to the licensing authority for the area in which the premises are located	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are located	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input type="checkbox"/>
Sign the declaration in Section 9 below	<input type="checkbox"/>

Notice & disclosed  
17/2/12

8. Condition (Please read note 15)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	<i>Symbal</i>
Date	21/05/2012
Name of Person signing	CYRIL EBULUBU

For completion by the Licensing Authority

10. Acknowledgement (Please read note 17)	
I acknowledge receipt of this temporary event notice.	
Signature	 On behalf of the Licensing Authority
Date	22 MAY 2012
Name of Officer signing	P. BAYLISS LICENSING





**NORTHAMPTON  
BOROUGH COUNCIL**

**Licensing Department  
Northampton Borough Council**  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE

Tel: 01604 838545  
Facsimile: 01604 838723  
Email: [licensing@northampton.gov.uk](mailto:licensing@northampton.gov.uk)

Mr C Ebulubu  
19 Streambank Road  
Thorpland Brook  
Northampton  
NN3 8YG

May 23, 2012

Dear Sir/Madam

**Temporary Event Notice - WITH Alcohol TE1616**

Commences: **June 8, 2012**

Expires: **June 9, 2012**

This letter is acknowledgement of the Temporary Event Notice you recently submitted.

The Local Authority are no longer required to return a signed copy of your application, this document is important proof that you gave the notice and should be kept in a safe place should you be asked to produce this at a later date.

If you should require any further advice or assistance, please do not hesitate to contact the Licensing Team.

Yours faithfully,

**Isobel Thompson**  
Licensing Administrator

**Philip Bayliss**

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**From:** Bryan David [david.bryan@northants.pnn.police.uk]  
**Sent:** 24 May 2012 12:22  
**To:** Philip Bayliss  
**Subject:** FW: TENS 1-5 JUNE - FLUX (late application)

Mr Bayliss,

Same objection as below for the 8/9 June 2012.

Regards

**David Bryan Constable 113** | Licensing Officer | Northamptonshire Police

☎ Telephone 101 Ext 8634 | 📠 Facsimile 01604 632645 |

✉ Email david.bryan@northants.police.uk

📍 Address First Floor, 14 Fish Street, Northampton. NN1 2AA

| **Working in Partnership for Safer Stronger Communities** |



Please consider the environment before printing this email. Thank you ...

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**From:** Bryan David  
**Sent:** 24 May 2012 11:17  
**To:** 'Isobel Thompson'  
**Cc:** laddington@northampton.gov.uk; pbayliss@northampton.gov.uk; Ian Grieve (igrieve@northantsfire.org.uk)  
**Subject:** RE: TENS 1-5 JUNE - FLUX (late application)

Mr Bayliss, Isobel,

As I am lead to believe I can use my 'veto' to object to this late T.E.N.

Capacity for the venue is 245 and the applicant is stating that he wishes the event for 250 persons, only a difference of 5 I appreciate.

In addition under the Licensing Objective of Public Safety I am aware that there is an enforcement notice in place served by the Fire Service in relation to matters that would compromise public safety.

Regards

**David Bryan Constable 113** | Licensing Officer | Northamptonshire Police

☎ Telephone 101 Ext 8634 | 📠 Facsimile 01604 632645 |

✉ Email david.bryan@northants.police.uk

📍 Address First Floor, 14 Fish Street, Northampton. NN1 2AA



Northamptonshire County Council

Police Constable David Bryan  
Licensing Officer  
Northamptonshire Police  
Fish Street  
Northampton

Please ask for: Ian Grieve  
Tel: 01604 797104  
Our Ref: 00100738  
Your Ref:  
Date: 29 May 2012

If you have any difficulty in obtaining the above telephone number please ring (01604) 797000 or email [enquiries@northantsfire.org.uk](mailto:enquiries@northantsfire.org.uk).

FPS22

Dear Sir

**Licensing Act 2003**

**Atlantix Bar and Club 94 Bridge Street Northampton NN1 1PD**

Please find a statement of evidence from Fire Protection Officer Ian Grieve and supporting evidence in respect of the objection to a 'TENS' application in June 2012 for the above premises on the grounds of Public Safety.

Any enquires concerning these matters may be addressed to the inspector named at the address below.

Yours faithfully

  
Fire Protection Officer



Northamptonshire Fire and Rescue Service  
Walker House, 3 Pondwood Close, Moulton Park,  
Northampton, NN3 6RT  
w. [www.northamptonshire.gov.uk](http://www.northamptonshire.gov.uk)  
f. 01604 797140



**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Ian Johnston GrieveAge if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Fire Protection Officer

This statement (consisting of ..... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature: I GrieveDate: 29/5/2012

States: I am a Fire Protection Officer employed by Northamptonshire Fire and Rescue Service since September 2003. I have attended numerous courses at the National Fire College at Moreton in the Marsh, Fire Protection Association, Association of Building Engineers and Regional Fire and Rescue Service Fire Safety Courses. I have also attended a number of seminars in Fire Safety. I have also attended internal Fire safety Training Days with my employer on a monthly basis. I am accredited with the Institute of Fire Engineers to audit life safety risk assessments. I have completed a BTEC level 5 in Building Regulations and British Standard 9999.

On 1 December 2011 at 300pm I visited Flux Night Club at 94 Bridge Street Northampton in company with Watch manager Ken Bennett. The object of this prearranged visit was to ascertain the occupancy figures for the means of escape in the premises following a serious incident at a night club in Northampton. This was part of the strategy of Northamptonshire Fire and Rescue Service, in conjunction with Northamptonshire Police and Northampton Borough Council Licensing. I met with Mr Chris Going one of the partners in the business. The other partner being Juliet Drummond of 144 Cheveral Avenue Coventry, who was not present at this meeting. The occupancy of the premises was calculated by working out the floor space factors in conjunction with the available escape width capacity under the provisions of guidance in Approved Document B of Building Regulations, as accepted way of calculating the occupancy of premises. The maximum occupancy for these premises was assessed at 245 persons, limited due to the floor space factors.

Mr Going was unawares whether or not a fire risk assessment and emergency plan had been prepared for the premises. I reminded him of his obligation to complete a fire risk assessment and emergency plan for these premises; also that the fire alarm and emergency lighting should be tested and maintained; there should staff training and fire fighting equipment should be provided. The single final fire exit out onto

Signature: I GrieveSignature witnessed by: Tom Hodson

PTO

Bridge Street was inwards opening, the drapes covered the exit. This door was to be kept clear of the drapes and provided with an illuminated exit sign. I forwarded this information to both Juliet Drummond and Chris Going by email. I also provided Mr Going with a copy of the 'short guide to making your premises safe from fire', and I referred him to the CLG website and guidance document 'small and medium places of assembly'. In the email I included a pro forma fire risk assessment and a copy of a worked example to assist them in completing a fire risk assessment and emergency plan for the premises.

On 20 December 2011, a letter was sent to licensed premises in Northamptonshire by Group manager Baz Fox to remind all responsible persons of their obligations under the Regulatory Reform (Fire Safety) Order 2005, to complete a fire risk assessment and to assess the occupancy figures for their premises.

On 29 March 2012, in company with Police Constable David Bryan I again visited the premises of Flux Night Club 94 Bridge Street Northampton where we met with Juliet Drummond of 144 Cheveral Avenue Coventry. This was in respect of concerns over the occupancy of the premises and how they would be used following nationally advertised events at these premises. These being the 'tallpaul' and 'pigpipe' events advertised. It was known that these events had been advertised and coaches were being laid on in Birmingham, Luton, Nottingham and Leicester. The concerns were that the maximum occupancy for the club had been assessed at 245 persons. It transpired that Juliet Drummond had sublet the premises to a manager to run in her absence. She was in the dark about these events and would cancel them. I asked for the fire risk assessment for the premises. She stated that since her business partner had left at short notice she was unaware if a fire risk assessment had been completed. She stated that she ran two other licensed premises in Coventry and was aware of what was required. I said that I would telephone her with a view to conducting a full fire safety inspection of the premises due to the manner in which the premises were managed in respect of fire safety. Juliet Drummond did in fact cancel the events thus negating my immediate concerns.

I telephoned Juliet Drummond on a number of occasions and left messages on the answerphone to contact me to arrange a fire safety inspection.

On Friday 11 May 2012 at 10am, in company with Fire Protection Officer Scott Richards we were in Bridge Street Northampton. Outside the front doors of the Flux night club we saw a lady waiting at the doors. We parked our marked Fire Service car and approached the lady. We ascertained that she was indeed waiting for the Manager to attend the premises. Outside the Club were posters advertising the opening night and barbeque for 'Atlantix club and bar, opening until 4am. At 1015 the same day two

Signature : I Gilve Signature witnessed by : Tom Hodson

PTO

males arrived at the premises. They opened up the premises. We walked inside and introduced ourselves.

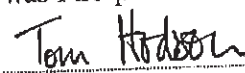
A man said the owner would be at the premises shortly and provided no further information. At 1030am the same day, a man I now know to be Mr Cyril Ebulubu arrived and he immediately recognised me. I could not place Mr Ebulubu initially and then I recalled that I had met him at his restaurant Com-Chop on Kettering Road Northampton. I asked what involvement he had in these premises and he replied that he was part of the partnership with Juliet Drummond. When asked who the designated premises supervisor (DPS) was, he replied, "Juliet". He explained that he was managing the premises for the opening night as 'Atlantix'. We sat down inside the club. I asked if there were a fire risk assessment completed for the premises and he replied "No". I asked if there were a written emergency plan in place for the premises and he replied, "No". I explained that there needed to be an emergency plan in place for the premises to be able to train staff on what to do if the fire alarm sounds or what to do if they discover a fire. I asked if the staff had received any training in fire safety. He stated that they were all new staff coming in about 12nd today to be trained. I asked how they could be trained if there was no emergency plan. He made no reply. Mr Ebulubu stated that there were to be 3 bar staff and four door employed. I asked him what the occupancy was for the premises and he replied "250". I said that I was pleased he knew the occupancy because it was us who had calculated it. We then discussed the event which was taking place tonight .i.e. the opening night and barbeque for Atlantix. We spoke about the occupancy being inside the premises but they had a large outside area where the barbeque was taking place. This area where the barbeque was taking place was outside, totally enclosed and controlled by an inwards opening door. We discussed the fact if he has 250 persons inside the premises and perhaps 100 at the barbeque. What would happen if it rained and where would the people at the barbeque go? He replied "inside".

I explained the means of escape and floor space only allowed a maximum number of 250 inside the premises. He would potentially have 350 in the premises and the means of escape could only facilitate 250. I explained that we have concerns over the fire safety management of the premises, overcrowding compromising the means of escape. I asked Mr Ebulubu if the fire alarm worked. He replied "yes". I said to him "How do you know?" He replied "I've tested it". I asked if he had any records of the testing and maintenance of the fire alarm to which he replied "No". I then asked about the emergency lighting. Mr Ebulubu stated that he had tested the emergency lighting and it was ok. I asked about the maintenance of the fire fighting equipment and he replied it had been done. Fire Protection Officer Scott Richards asked Mr Ebulubu to test the emergency lighting as there was no LED showing the battery was being charged on a maintained final exit sign. Mr Ebulubu did not know how to test the emergency lighting and had no key to access and test the emergency lighting. This was established when he sent one of his colleagues up a ladder to test the emergency lighting. Once there the man asked him what to do. Mr Ebulubu could not tell him how to test the emergency lighting. It was Fire protection officer Scott

Signature :



Signature witnessed by :



PTO

Richards who explained how to test the emergency lighting with a key. Fire Protection Officer Scott Richards produced his own test key and switched on the emergency lighting units in the premises. This was to satisfy ourselves the emergency lighting worked prior to the opening of the premises. Three emergency lighting units had been painted on the inside of the glass lens with blue paint, thereby reducing their effectiveness and one unit did not work. There were no records available of the testing or maintenance of the emergency lighting in the premises. Fire protection Officer Scott Richards then asked about the fire fighting equipment because they were dated 09 and 08. Indicating their last scheduled maintenance was in these years. Mr Ebulubu made no reply. We asked for the fire alarm to be tested. It took 10 minutes for Mr Ebulubu and his colleagues to identify the fire alarm control panel in the premises. Initially it was stated that the intruder alarm was the fire panel, until it was explained that the reserve battery was considerably larger than the whole intruder alarm panel. We searched the ground floor, went into the basement and up to the first floor to identify the location. It was then located behind the bay, in a cupboard by one of his colleagues. We again asked for it to be tested but it was found that there was no key to test the manual call point on the fire alarm system. We were asked to wait whilst they located a key which was not found. They activated the fire alarm by activating the call point breaking the glass and the fire alarm sounded. They were then unable to reset the fire alarm and the manual call point. But they were able to silence the alarm. I explained there was no fire risk assessment, emergency plan, no maintenance or testing of the fire alarm and the emergency lighting, staff training and maintenance of the fire fighting equipment. The fire safety arrangements were not satisfactory. I explained that I would be issuing an enforcement notice for all these deficiencies to both Mr Ebulubu and Juliet Drummond. We then left the premises at 1135am.

I had previously met Mr Cyril Ebulubu on 7 September 2011 at the restaurant/take away at Com – Chop 37 Kettering Road Northampton. This was in response to a complaint about the means of escape from the first floor of these premises. I provided him with a copy 'short guide to making your premises safe from fire'; I referred him to the CLG website and guidance documents. I explained the deficiencies and how he could rectify them. I sent him an email identifying all the matters we had discussed at his premises.

On Monday 14 May 2012 I sent an email to Juliet Drummond about my concerns of fire safety in the premises. At 0820 the same day, I received a telephone call from Juliet Drummond. I explained that I had been trying to contact her on the telephone but there was no reply. She stated she had changed her telephone and apologised. I explained that I had visited the premises on Friday and met with Mr Cyril Ebulubu. I asked what the relationship was/she explained that she is the leaseholder and current DPS (designated premises supervisor). Cyril was looking after the premises for her as the manager. She would

Signature :



Signature witnessed by :



PTO

like to pass it on but she tied by the lease. I explained my concerns about the lack of fire safety and that I wanted to meet with her. She asked if I could do it on the telephone. I explained the premises were opening Friday night with new staff who had not been trained in fire safety. There was no fire risk assessment, emergency plan. Fire safety management of the premises was a concern. She agreed and that she has premises in Coventry which she has to concentrate on. I said that we had previously met with Police Constable David Bryan and that I had concerns with the occupancy ion the premises. She agreed and that she had cancelled the previous events. I said that there were no records of the fire extinguishers being maintained, nor the fire alarm and emergency lighting. There were no records of testing either. I explained that I would issue an enforcement notice to her and Cyril Ebulubu for the deficiencies and explained the notice. She said that she would accept electronic service by email. I thanked her and concluded the call.

On 17 May 2012 at 0742 I sent a copy of an enforcement notice to Juliet Drummond via email.

On Wednesday 23 May 2012, I sent a copy of an enforcement notice to Mr Cyril Ebulubu via email. At 1150 the same day I had delivered a copy of enforcement notice to Mr Cyril Ebulubu and posted it through the door of Atlantix bar and club at 94 Bridge street Northampton.

At 1110am on Friday 25 may 2012, Fire protection Officer Scott Richards and myself, were on duty in uniform walking along Bridge Street Northampton. Outside the Atlantix bar and club we saw Mr Cyril Ebulubu waiting to park his car at the premises. I asked if he had a few minutes for us and replied that he had. He went to park his car and we went into the club. I there saw Juliet Drummond talking to an environmental Health Officer. We waited for their conversation to conclude and went back into the club with Mr Cyril Ebulubu. The Environmental health Officer left and we were joined by Juliet Drummond. I said I wished to talk to him about the enforcement notice that had been served electronically. He stated he had not received it but agreed he had received a hard copy posted through the door of the club. Mr Cyril Ebulubu stated he had started testing the fire alarm and the emergency lighting producing records of this and some staff training. He stated he arranged for Smiths Fire to maintain the fire alarm and emergency lighting which was booked for Tuesday. I said that these were positive moves. I went through the enforcement notices, the same for both Cyril Ebulubu and Juliet Drummond. I explained the deficiencies and how they may be remedied. I also explained the right to appeal to a magistrates Court within 21 days. I explained the reasons for the issue of the enforcement notices to both. In December 2011 I met with the business partner of Juliet Drummond and assessed the occupancy of the premises. There were a number of fire safety deficiencies which were emailed to her. I March 2012 in company with Police Constable

Signature :



Signature witnessed by :



PTO



David Bryan, I visited the premises and met with her. There were concerns over planned events which potentially would exceed the occupancy for the premises. I said that fortunately she had cancelled the events of concern. I had been trying to contact her by telephone and had left messages. She had changed her phone and I resorted to the email address, to which she responded. I had served the enforcement notice electronically and she agreed that she had received the email. In respect of Mr Cyril Ebulubu he had taken on the management of the premises under a new name advertising a barbeque and being open till 4am. At this time he had no knowledge the fire alarm or emergency lighting were working; he had not considered the occupancy of the premises in the light of the total numbers of people; outside at the barbeque and inside the club; totally new staff were being employed without any knowledge of the emergency plan and staff training; there was no fire risk assessment; no emergency plan and no fire safety arrangements to protect persons frequenting the premises from fire. I had met with him previously at his restaurant following a complaint and made him aware of his responsibilities for fire safety, confirming these in writing via email.

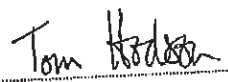
I confirmed the address for Juliet Drummond was now 3 Lisbon Way Coventry CV3 2AQ and for Cyril Ebulubu was 19 Streambank Way Northampton NN3 8YG.

I explained that the Police had objected to the TENS applications for June 2012 on the grounds of Public safety and that I would be attending the hearing to provide the evidence for this matter. Juliet Drummond stated that she had been refused TENS applications for her premises in Coventry due to incidents. I explained that in the nicest possible way I was explaining the course of action and I did not wish to solicit any replies from either person. We thanked them and left the premises.

Signature :



Signature witnessed by :



PTO

**Ian Grieve**

**From:** Ian Grieve  
**Sent:** 08 September 2011 08:30  
**To:** 'cybu1@msn.com'  
**Subject:** Fire safety at Com Chop 37 Kettering Road Northampton

Dear Mr Ebulubu,

Following our meeting and fire safety inspection on 7 September 2011, the below deficiencies need to be rectified:

1. *A suitable and sufficient fire safety risk assessment should be undertaken and should be made available on the premises. The assessment should cover all significant risks, which may affect any person who may be affected by fire, and should include the means of access and egress from the premises. The assessment should be reviewed at regular intervals, and when a significant change is made.*
2. *Suitable and sufficient procedures and safety drills are to be implemented and followed in the event of serious and imminent danger to persons.*
3. *The emergency lighting is to be suitably and sufficiently maintained in an efficient state, in efficient working order and good repair. Records should be kept showing the testing of emergency lighting, including monthly tests and the annual maintenance by a competent person.*
4. *The responsible person must ensure that the safety training provided -
  - a) includes suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard himself and other relevant persons on the premises,
  - b) be repeated regularly,
  - c) be adapted to take account of any new or changed risks to the safety of employees concerned,
  - d) be provided in a manner appropriate to the risk identified by the risk assessment and
  - e) take place during working hours.*

In respect of our discussions about the kitchen and stairs to the first floor restaurant area. You should either install 30 minutes fire resisting construction to separate the kitchen or not use the first floor.

I enclose a pro forma fire risk assessment and a worked example to assist you in undertaking the fire risk assessment.

If you have any questions please do not hesitate to contact me.

Regards  
Ian Grieve  
Fire Protection Officer

Northamptonshire Fire And Rescue Service  
Walker House  
3 Pondwood Close  
Moulton Park  
Northampton

NN3 6RT

Tel – 01604 797104

Fax – 01604 797140

Email – [igrieve@northantsfire.org.uk](mailto:igrieve@northantsfire.org.uk)



**Ian Grieve**

---

**From:** Ian Grieve  
**Sent:** 02 December 2011 10:05  
**To:** 'jools1234@hotmail.co.uk'; 'chris.going@sky.com'  
**Subject:** Occupancy Calculation and Fire Safety Audit of Flux Bar/Night Club 94 Bridge Street Northampton  
**Attachments:** FB140a Fire Risk Assessment Proforma( blank ).doc; FB140b Fire Risk Assessment Office ( worked example ).doc

Dear Juliet and Chris,

Following my visit to the above premises on 1 December 2011 and our meeting:

1. Fire Safety

Chris was unaware whether a fire risk assessment and emergency plan had been prepared for the premises. I remind you of your obligations to complete a fire risk assessment for the premises; emergency plan; maintenance and testing of the fire alarm and emergency lighting; staff training and the provision of fire fighting equipment. I would also ask you to consider the single exit onto Bridge Street is covered by heavy duty drapes. This door must be kept clear of the drapes and also provided with an illuminated exit sign.

2. Occupancy of the premises

Utilising guidance from Approved Document B of the Building Regulations I have calculated the maximum occupancy of the premises.

There are currently 4 x designated exits from the premises. The two nearest the DJ Booth fall within 45 degrees of each other and both are therefore counted as one exit. This is because a fire in the DJ Booth would mean these two exits could not be used. We are allowed to discount the largest exit due to fire.

This leaves two fire exits with a total capacity of 361 persons. One exit at 301 persons and the single inwards opening door leading onto Bridge Street 60 persons making the total of 361 persons. Therefore the maximum exit capacity is 361 persons.

The floor space factors equate to 93m<sup>2</sup> at 0.5m per person = 185 persons  
The crush bar is = 46 persons  
The seating area at 1m<sup>2</sup> per person = 14 persons

This provides a total floor space occupancy of =245

Therefore the maximum occupancy of these premises is restricted by the floor space factors (the number of people who can fit in the available floor space) is 245 persons.

Regards  
Ian Grieve  
Fire Protection Officer

Northamptonshire Fire And Rescue Service  
Walker House  
3 Pondwood Close

Moulton Park  
Northampton  
NN3 6RT

Tel – 01604 797104  
Fax – 01604 797140  
Email – [igrieve@northantsfire.org.uk](mailto:igrieve@northantsfire.org.uk)





Northamptonshire County Council

Flux Bar/Nightclub  
94 Bridge Street

Northampton  
NN1 1PD

Please ask for: Baz Fox  
Tel: 01604 797155  
Our Ref: 0010073B  
Date: 20/12/2011

If you have any difficulty in obtaining the above telephone number please ring (01604) 797000 or email [enquiries@northantsfire.org.uk](mailto:enquiries@northantsfire.org.uk).

In light of the recent tragic events in Northamptonshire the following information is given to the Responsible person for the premises.

**REGULATORY REFORM (FIRE SAFETY) ORDER 2005 (F.S.O)**

**Fire Risk assessment**

It is the responsibility of the Responsible person to ensure that a Fire Risk Assessment is conducted for the premises.

That assessment must record the significant findings and the actions necessary to rectify those findings.

The assessment for the premises must identify the persons at risk within the premises and therefore should also include the numbers of persons expected to resort in the premises, usually referred to as the 'occupancy figure' or 'occupant capacity'.

**Occupancy figure/occupancy capacity**

It is the responsibility of the Responsible person to ensure this occupancy figure is relevant to the premises and the management arrangements employed are sufficient to ensure the occupancy figure is not exceeded.

This will require calculating the floor space area of the premises and importantly the number, size and location of the emergency exits to ascertain the maximum numbers of persons that should be allowed in the premises as a whole, and include restrictions to certain areas of the premises.

Further specialist advice on how to calculate this figure should be sought from a competent person or information can be found in the Communities and Local Government (CLG) guidance document 'Small and medium places of assembly' and 'Large places of assembly' that can be purchased from your local book store or downloaded free from [www.communities.gov.uk/fire/firesafety/firesafetylaw](http://www.communities.gov.uk/fire/firesafety/firesafetylaw)

Cont/d.



Northamptonshire Fire and Rescue Service  
Headlands  
Kettering  
Northamptonshire  
NN15 6BH  
w. [www.northamptonshire.gov.uk](http://www.northamptonshire.gov.uk)  
f. 01604 797170



# FLUX

BAR/NIGHTCLUB

Home | Mondays | Wednesdays | Thursdays | Fridays | Saturdays | Sundays | Whats on | Gallery



Welcome guest 1

HOUSE  
UNDERGROUND BEATS  
AFROBEATS  
FUNK  
RNB  
HIP HOP  
DUBSTEP  
REGGAE

FLUX BAR &  
NIGHTCLUB  
94 BRIDGE  
STREET  
NORTHAMPTON  
NN1 1PD  
07545 188906

Friday 2nd December 8PM-3AM

## INSPIRATION FM

WWW.INSPIRATIONFM.COM FREQ 107.8FM

FREE SHOT with 1<sup>st</sup> drink  
ANY 2 Bottles £5  
Selected Shots £1

TICKETS £3 AVAILABLE FROM INSPIRATION FM  
01604 250544

FLUX 07545 188906

Welcome to FLUX, the all  
nightclub in the heart of N

Become a part of the new retro bar  
that is emerging across the UK and  
revolution in new customer experie  
by the all new FLUX Nightclub In N

At FLUX we pride ourselves for our  
fabulous wine lists, premium draug  
beers, a fantastic selection of spirit  
and our chic opulent surroundings.

Merge Retro bar with the sophistic  
manhattan style nightclub add gorge  
and great music, add to that a hug  
car park and vip areas and you ha

...become a p  
the revolution



GLAM PARTIES PRESENTS

SATURDAY 31 MARCH

TALL PAUL  
ANDREW GALEA

FLUX

94 BRIDGE STREET NORTHAMPTON NN1 1PD



PRESENTS

SATURDAY 31 MARCH

TALL PAUL  
ANDREW GALEA

DJ PHOENIX (WWW.REALCITYRADIO.COM)

ON THE TERRACE: NIGHTSTYLERS  
TWISTED BLISS POOLUM DANCERS

8/POUNDS IN ADVANCE . 10/POUNDS ON DOOR  
7/POUNDS (WITH STUDENT ID)

DRESS TO IMPRESS : SMART JEANS OK ; NO HOODIES  
NO TRAINERS OPEN FROM 10 TILL LATE  
GLAM NIGHT@ FLUX NORTHAMPTON  
CALL 0789 4060961 FOR ANY INFORMATION

WWW.GLAMPARTIESUK.COM  
94 BRIDGE STREET . NORTHAMPTON . NN1 1PD



## Ian Grieve

---

**From:** Ian Grieve  
**Sent:** 14 May 2012 07:52  
**To:** jools1234@hotmail.co.uk  
**Subject:** Atlantix Bar and Club 94 Bridge Street Northampton

For Juliet Drummond

Dear Juliet,

Following our meeting at the request of PC David Bryan from Northamptonshire Police on 29 March 2012, I have been telephoning you on 07874 264694 without success.

On this date we discussed our concerns of the occupancy of the premises with a planned events at the premises. These were the Tall Paul and Piggpipe events. This was due to you letting the club to a person to run it in your absence. He had taken on the events for Atmosphere, which had recently closed. Our concerns were the numbers of people that were potentially going to be in your premises. Atmosphere had an occupancy of 650.

I asked about the fire risk assessment for the premises and the associated documentation. You stated that since your partner Chris has left you were unaware of this. I said that I would contact you with a view to conducting a fire safety inspection of the premises.

I have now met your new Partner in business Mr Cyril Ebulubu on Friday 11 May 2012 and there are a number of concerns about fire safety in the premises. Due to the deficiencies I am looking to issue an enforcement notice for these deficiencies and would like to meet with you please.

Please contact me as soon as you can to arrange a time and date we can meet.

Regards  
Ian Grieve  
Fire Protection Officer

Northamptonshire Fire And Rescue Service  
Walker House  
3 Pondwood Close  
Moulton Park  
Northampton  
NN3 6RT

Tel – 01604 797104  
Fax – 01604 797140  
Email – [igrieve@northantsfire.org.uk](mailto:igrieve@northantsfire.org.uk)





COPY

Northamptonshire County Council

By Hand

Mr Cyril Ebulubu  
90 Streambank Road  
Northampton  
NN3 8YG

Please ask for: Ian Grieve  
Tel: 01604 797104  
Our Ref: 00100738  
Your Ref:  
Date: 15 May 2012

If you have any difficulty in obtaining the above  
telephone number please ring (01604) 797000 or  
email [enquiries@northantsfire.org.uk](mailto:enquiries@northantsfire.org.uk).

FPS3

Dear Sirs

**REGULATORY REFORM (FIRE SAFETY) ORDER 2005**  
**Atlantix Bar and Club 94 Bridge Street Northampton NN1 1PD**

The Northamptonshire Fire and Rescue Authority is the enforcing authority under Article 25 of the above legislation.

Following a fire safety audit of the above premises by me on 11 May 2012, 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 against 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 to me direct at the address below, or alternatively telephone your enquiry to the inspector named.

Yours faithfully

*I Grieve*  
Ian Grieve  
Fire Protection Officer

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



Northamptonshire Fire and Rescue Service  
Walker House, 3 Pondwood Close, Moulton Park,  
Northampton, NN3 6RT  
w. [www.northamptonshire.gov.uk](http://www.northamptonshire.gov.uk)  
f. 01604 797140



**NORTHAMPTONSHIRE FIRE AND RESCUE SERVICE  
ENFORCEMENT NOTICE**

**NOTICE REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

Name: **Mr Cyril Ebulubu**  
Premises: **Atlantix Bar and Club**  
Address: **94 Bridge Street Northampton NN1 1PD**

I Fire Protection Officer Ian Grieve on behalf of the Northamptonshire Fire and Rescue Authority, hereby give you notice that 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 are:-

Article 9, 11, 13, 15, 17, 21

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 15 August 2012 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 are 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 15 May 2012 Signed I Grieve  
(On behalf of and duly authorised by the Fire and Rescue Authority)

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO 360  
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM  
(FIRE SAFETY) ORDER 2005 ISSUED BY THE NORTHAMPTONSHIRE FIRE AND RESCUE  
AUTHORITY ON 15 May 2012**

Name and Address of Premises: Atlantix Bar and Club 94 Bridge Street Northampton NN1  
1PD

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 in the workplace.

Please be advised that matters detailed under the "**Suggested remedy**" heading(s) are only one method of achieving compliance. If you wish to use a different method to remedy the specified matters you are advised to contact the Fire and Rescue Authority with details of your proposals before commencing work.

## SCHEDULE

### RISK ASSESSMENT

#### **Deficiency from Article 9 (1)**

A Fire Safety Risk Assessment has not been carried out.

#### **Suggested Remedy**

A suitable and sufficient fire safety risk assessment should be undertaken and should be made available on the premises. The assessment should cover all significant risks, which may affect any person who may be affected by fire, and should include the means of access and egress from the premises. The assessment should be reviewed at regular intervals, and when a significant change is made.

**FIRE SAFETY ARRANGEMENTS**

**Deficiency from Article 11 (2)**

The fire safety arrangements for the effective planning, organisation, control, monitoring and review of the preventative and protective measures have not been recorded where appropriate:

**Suggested Remedy**

The responsible person must record fire safety arrangements with regards to the nature of his activities and the size of his undertaking, for effective planning, organisation, control, monitoring and review of the preventative and protective measures, where;

- a) he employs five or more employee;
- b) a licence under an enactment is in force in relation to the premises; or
- c) an alterations notice requiring this is in force in relation to the premises.

**Deficiency from Article 13(3) (b)**

Inadequate number of competent persons has been nominated to implement fire-fighting measures.

**Suggested Remedy**

Sufficient number of competent persons is to be nominated to implement fire fighting measures.

**PROCEDURES FOR SERIOUS AND IMMINENT DANGER AND FOR DANGER AREAS**

**Deficiency from Article 15 (1) (a)**

Appropriate procedures and safety drills, which are to be followed in the event of serious and imminent danger to persons, are not established.

**Suggested Remedy**

Suitable and sufficient procedures and safety drills are to be implemented and followed in the event of serious and imminent danger to persons.

**MAINTENANCE**

**Deficiency from Article 17(1)**

The manual fire fighting equipment is inadequately maintained.

**Suggested Remedy**

The manual fire fighting equipment is to be suitably and sufficiently maintained in an efficient state, in efficient working order and good repair. Records should be kept showing testing and maintenance details.

**Deficiency from Article 17(1)**

The fire alarm system is inadequately maintained.

**Suggested Remedy**

The fire alarm is to be suitably and sufficiently maintained in an efficient state, in efficient working order and good repair. Records should be kept showing the testing of fire warning systems, including weekly tests and the periodic maintenance by a competent person.

**Deficiency from Article 17(1)**

The emergency lighting is inadequately maintained.

**Suggested Remedy**

The emergency lighting is to be suitably and sufficiently maintained in an efficient state, in efficient working order and good repair. Records should be kept showing the testing of emergency lighting, including monthly tests and the annual maintenance by a competent person.

**TRAINING**

**Deficiency from Article 21(2)**

The safety training provided to employees is inadequate.

**Suggested Remedy:**

The responsible person must ensure that the safety training provided -

- a) includes suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard himself and other relevant persons on the premises,
- b) be repeated regularly,
- c) be adapted to take account of any new or changed risks to the safety of employees concerned,
- d) be provided in a manner appropriate to the risk identified by the risk assessment and
- e) take place during working hours.

**NOTES TO ACCOMPANY ENFORCEMENT NOTICE  
SERVED UNDER ARTICLE 30 OF  
THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

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- 1 Application to premises. The Regulatory Reform (Fire Safety) Order 2005, subject to paragraphs 6 (1) (a) to (g) below, applies to any premises.
  
- 2 The Order does not apply in relation to:-
  - (a) domestic premises;  
Note: Where the premises are, or consist of, a house in multiple occupation this Order applies in relation to those parts of the premises which are not domestic premises;
  - (b) an offshore installation within the meaning of regulation 3 of the Offshore Installation and Pipeline Works (Management and Administration) Regulations 1995;
  - (c) a ship, in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;
  - (d) fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings;
  - (e) an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 or a vehicle exempted from duty under that Act;
  - (f) a mine within the meaning of section 180 of the Mines and Quarries Act 1954, other than any building on the surface at a mine, and
  - (g) a borehole site to which the Borehole Sites and Regulations 1995 apply.
  
- 3 You may appeal (under Article 35 of the Order) against an enforcement notice served (under Article 30 of the Order). The appeal is made, within 21 days from the day on which the notice is served, to the magistrates' court for the area in which your premises is situated and may be brought on the grounds that you think that:-
  - (a) the service of an enforcement notice was based on an error of fact;
  - (b) the service of the enforcement notice was wrong in law, and
  - (c) the Fire and Rescue Authority erred in the exercise of their discretion in serving the enforcement notice.

Without prejudice to the breadth of the grounds of appeal set out in paragraphs (a) to (c) above, examples of situations in which an appeal may lie are where:-

  - (a) You dispute any of the facts in the notice which detail the steps which have to be taken in order to comply any provision of the Order.
  - (b) You think that an unreasonable time period has been set for the taking of the steps set out in the notice.
  
- 4 The Fire and Rescue 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 Chief Officer Northamptonshire Fire and Rescue Service, Moulton Way, Northampton, NN3 6XJ.



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5 Failure to comply with any requirement imposed by an enforcement notice served under Article 30 of the Order within the time specified in the notice (or such further time as the Fire and Rescue Authority may, at their discretion, grant) is a criminal offence under Article 32(d) of the Order. A person guilty of such an offence shall be liable,

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

6 In any proceedings for an offence referred to above, 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.

7 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.

8 Subject to Note 9, in any proceedings for an offence under the Order, except for a failure to comply with Articles 8 (1) (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.

9 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 and Rescue Authority cannot agree on the measures which are necessary to remedy the failures(s). Under Article 36 of the Order you and the Fire and Rescue Authority may agree to refer the question, as to what measures are necessary to remedy the failure(s), to the Secretary of State for a determination.

10 It should be noted that in order to satisfy the Environment and Safety Information Act 1988 the Fire and Rescue Authority is obliged to enter details of any 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 the service of the notice.

11 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 and Rescue Authority.

**FIRE RESISTING (FIRE RESISTANCE):** The ability of a component or construction of a building to satisfy, for a stated period of time, some or all of the appropriate criteria specified in the relevant British Standard.

**INTUMESCENT SEALS:** A strip of material placed along the door edges (excluding the bottom edge), or frame, that will react to heat by expanding to form a seal to the passage of hot gases and flame.

**SMOKE SEAL:** A flexible strip of material (often used in conjunction with an intumescent strip) placed along the door edges or frame to limit the spread of cold smoke during the early stages of a fire.

**SELF-CLOSING DEVICE:** A device which is capable of closing the door from any angle and against any latch fitted to the door. Rising butt hinges are not considered to be satisfactory devices.

**AUTOMATIC DOOR RELEASE:** A device, linked to (or operated by the sound of) the fire alarm system, that when fitted to a fire resisting self closing door, enables it to be held open during normal working conditions.

**EMERGENCY ESCAPE LIGHTING:** That part of the emergency lighting system provided for use when the electricity supply to the normal lighting fails so as to ensure that the means of escape can be safely and effectively used at all times.

**RISK ASSESSMENT:** An organised appraisal of your activities and premises to enable you to identify potential fire hazards, and to decide who (including employees and visitors) might be in danger in the event of fire, and their location. You will then evaluate the risks arising from the hazards and decide whether the existing fire precautions are adequate, or whether more needs to be done. It will be necessary for you to record your significant findings (if you have five or more employees), and to review and revise when necessary.



COPY

Northamptonshire County Council

Electronic Delivery

Mrs Juliet Drummond  
144 Cheveral Avenue  
Coventry  
CV6 3HB

Please ask for: Ian Grieve  
Tel: 01604 797104  
Our Ref: 00100738  
Your Ref:  
Date: 15 May 2012

If you have any difficulty in obtaining the above telephone number please ring (01604) 797000 or email [enquiries@northantsfire.org.uk](mailto:enquiries@northantsfire.org.uk).

FPS3

Dear Sirs

**REGULATORY REFORM (FIRE SAFETY) ORDER 2005**  
**Atlantix Bar and Club 94 Bridge Street Northampton NN1 1PD**

The Northamptonshire Fire and Rescue Authority is the enforcing authority under Article 25 of the above legislation.

Following a fire safety audit of the above premises by me on 11 May 2012, 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 against 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 to me direct at the address below, or alternatively telephone your enquiry to the inspector named.

Yours faithfully

  
Ian Grieve  
Fire Protection Officer

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



Northamptonshire Fire and Rescue Service  
Walker House, 3 Pondwood Close, Moulton Park,  
Northampton, NN3 6RT  
w. [www.northamptonshire.gov.uk](http://www.northamptonshire.gov.uk)  
f. 01604 797140



**NORTHAMPTONSHIRE FIRE AND RESCUE SERVICE  
ENFORCEMENT NOTICE**

**NOTICE REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

Name: **Mrs Juliet Drummond**  
Premises: **Atlantix Bar and Club**  
Address: **94 Bridge Street Northampton NN1 1PD**

I Fire Protection Officer Ian Grieve on behalf of the Northamptonshire Fire and Rescue Authority, hereby give you notice that 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 are:-

Article 9, 11, 13, 15, 17, 21

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 15 August 2012 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 are 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 15 May 2012 Signed I Grieve  
(On behalf of and duly authorised by the Fire and Rescue Authority)

**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE NO 361  
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY REFORM  
(FIRE SAFETY) ORDER 2005 ISSUED BY THE NORTHAMPTONSHIRE FIRE AND RESCUE  
AUTHORITY ON 15 May 2012**

Name and Address of Premises: Atlantix Bar and Club 94 Bridge Street Northampton NN1  
1PD

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 in the workplace.

Please be advised that matters detailed under the "**Suggested remedy**" heading(s) are only one method of achieving compliance. If you wish to use a different method to remedy the specified matters you are advised to contact the Fire and Rescue Authority with details of your proposals before commencing work.

**SCHEDULE**

**RISK ASSESSMENT**

**Deficiency from Article 9 (1)**

A Fire Safety Risk Assessment has not been carried out.

**Suggested Remedy**

A suitable and sufficient fire safety risk assessment should be undertaken and should be made available on the premises. The assessment should cover all significant risks, which may affect any person who may be affected by fire, and should include the means of access and egress from the premises. The assessment should be reviewed at regular intervals, and when a significant change is made.

## **FIRE SAFETY ARRANGEMENTS**

### **Deficiency from Article 11 (2)**

The fire safety arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures have not been recorded where appropriate:

#### **Suggested Remedy**

The responsible person must record fire safety arrangements with regards to the nature of his activities and the size of his undertaking, for effective planning, organisation, control, monitoring and review of the preventative and protective measures, where;

- a) he employs five or more employee;
- b) a licence under an enactment is in force in relation to the premises; or
- c) an alterations notice requiring this is in force in relation to the premises.

### **Deficiency from Article 13(3) (b)**

Inadequate number of competent persons has been nominated to implement fire-fighting measures.

#### **Suggested Remedy**

Sufficient number of competent persons is to be nominated to implement fire fighting measures.

## **PROCEDURES FOR SERIOUS AND IMMINENT DANGER AND FOR DANGER AREAS**

### **Deficiency from Article 15 (1) (a)**

Appropriate procedures and safety drills, which are to be followed in the event of serious and imminent danger to persons, are not established.

#### **Suggested Remedy**

Suitable and sufficient procedures and safety drills are to be implemented and followed in the event of serious and imminent danger to persons.

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**MAINTENANCE**

**Deficiency from Article 17(1)**

The manual fire fighting equipment is inadequately maintained.

**Suggested Remedy**

The manual fire fighting equipment is to be suitably and sufficiently maintained in an efficient state, in efficient working order and good repair. Records should be kept showing testing and maintenance details.

**Deficiency from Article 17(1)**

The fire alarm system is inadequately maintained.

**Suggested Remedy**

The fire alarm is to be suitably and sufficiently maintained in an efficient state, in efficient working order and good repair. Records should be kept showing the testing of fire warning systems, including weekly tests and the periodic maintenance by a competent person.

**Deficiency from Article 17(1)**

The emergency lighting is inadequately maintained.

**Suggested Remedy**

The emergency lighting is to be suitably and sufficiently maintained in an efficient state, in efficient working order and good repair. Records should be kept showing the testing of emergency lighting, including monthly tests and the annual maintenance by a competent person.

**TRAINING**

**Deficiency from Article 21(2)**

The safety training provided to employees is inadequate.

**Suggested Remedy:**

The responsible person must ensure that the safety training provided -

- a) includes suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard himself and other relevant persons on the premises,
- b) be repeated regularly,
- c) be adapted to take account of any new or changed risks to the safety of employees concerned,
- d) be provided in a manner appropriate to the risk identified by the risk assessment and
- e) take place during working hours.



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**NOTES TO ACCOMPANY ENFORCEMENT NOTICE  
SERVED UNDER ARTICLE 30 OF  
THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

1 Application to premises. The Regulatory Reform (Fire Safety) Order 2005, subject to paragraphs 6 (1) (a) to (g) below, applies to any premises.

2 The Order does not apply in relation to:-

- (a) domestic premises;  
Note: Where the premises are, or consist of, a house in multiple occupation this Order applies in relation to those parts of the premises which are not domestic premises;
- (b) an offshore installation within the meaning of regulation 3 of the Offshore Installation and Pipeline Works (Management and Administration) Regulations 1995;
- (c) a ship, in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;
- (d) fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings;
- (e) an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 or a vehicle exempted from duty under that Act;
- (f) a mine within the meaning of section 180 of the Mines and Quarries Act 1954, other than any building on the surface at a mine, and
- (g) a borehole site to which the Borehole Sites and Regulations 1995 apply.

3 You may appeal (under Article 35 of the Order) against an enforcement notice served (under Article 30 of the Order). The appeal is made, within 21 days from the day on which the notice is served, to the magistrates' court for the area in which your premises is situated and may be brought on the grounds that you think that:-

- (a) the service of an enforcement notice was based on an error of fact;
- (b) the service of the enforcement notice was wrong in law, and
- (c) the Fire and Rescue Authority erred in the exercise of their discretion in serving the enforcement notice.

Without prejudice to the breadth of the grounds of appeal set out in paragraphs (a) to (c) above, examples of situations in which an appeal may lie are where:-

- (a) You dispute any of the facts in the notice which detail the steps which have to be taken in order to comply any provision of the Order.
- (b) You think that an unreasonable time period has been set for the taking of the steps set out in the notice.

4 The Fire and Rescue 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 Chief Officer Northamptonshire Fire and Rescue Service, Moulton Way, Northampton, NN3 6XJ.

~~5 Failure to comply with any requirement imposed by an enforcement notice served under Article 30 of the Order within the time specified in the notice (or such further time as the Fire and Rescue Authority may, at their discretion, grant) is a criminal offence under Article 32(d) of the Order. A person guilty of such an offence shall be liable,~~

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

6 In any proceedings for an offence referred to above, 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.

7 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.

8 Subject to Note 9, in any proceedings for an offence under the Order, except for a failure to comply with Articles 8 (1) (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.

9 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 and Rescue Authority cannot agree on the measures which are necessary to remedy the failure(s). Under Article 36 of the Order you and the Fire and Rescue Authority may agree to refer the question, as to what measures are necessary to remedy the failure(s), to the Secretary of State for a determination.

10 It should be noted that in order to satisfy the Environment and Safety Information Act 1988 the Fire and Rescue Authority is obliged to enter details of any 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 the service of the notice.

11 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 and Rescue Authority.

## STANDARD TERMS AND DEFINITIONS

**FIRE RESISTING (FIRE RESISTANCE):** The ability of a component or construction of a building to satisfy, for a stated period of time, some or all of the appropriate criteria specified in the relevant British Standard.

**INTUMESCENT SEALS:** A strip of material placed along the door edges (excluding the bottom edge), or frame, that will react to heat by expanding to form a seal to the passage of hot gases and flame.

**SMOKE SEAL:** A flexible strip of material (often used in conjunction with an intumescent strip) placed along the door edges or frame to limit the spread of cold smoke during the early stages of a fire.

**SELF-CLOSING DEVICE:** A device which is capable of closing the door from any angle and against any latch fitted to the door. Rising butt hinges are not considered to be satisfactory devices.

**AUTOMATIC DOOR RELEASE:** A device, linked to (or operated by the sound of) the fire alarm system, that when fitted to a fire resisting self closing door, enables it to be held open during normal working conditions.

**EMERGENCY ESCAPE LIGHTING:** That part of the emergency lighting system provided for use when the electricity supply to the normal lighting fails so as to ensure that the means of escape can be safely and effectively used at all times.

**RISK ASSESSMENT:** An organised appraisal of your activities and premises to enable you to identify potential fire hazards, and to decide who (including employees and visitors) might be in danger in the event of fire, and their location. You will then evaluate the risks arising from the hazards and decide whether the existing fire precautions are adequate, or whether more needs to be done. It will be necessary for you to record your significant findings (if you have five or more employees), and to review and revise when necessary.