

**Seirbhís Dóiteáin
agus Tarrthála
Chontae Chill
Chainnigh**



**Kilkenny County
Council Fire and
Rescue
Service**

C. Cormican, B.Sc (Civ Eng),
Chief Fire Officer

Reference Number: CNY2011/003

**THE COUNTY COUNCIL OF THE COUNTY OF KILKENNY
C L O S U R E N O T I C E**

Pursuant to section 20A(3)(a) of the Fire Services Acts, 1981 and 2003

**THIS CLOSURE NOTICE IS TO EFFECT AT 12.00 NOON ON
MONDAY 29TH AUGUST 2011**

SERVED ON: MIRIAM HOLMES
POSITION: Owner Occupier
(Please Tick) In Control of the Building at the Time

You are hereby required to take notice that under the powers vested in me as an authorised person under Section 20A of the above named Act, and on behalf of the County Council of the County of Kilkenny, being the Fire Authority for the County of Kilkenny, that I am of the opinion that

THE BUILDING OR PREMISES AT

**AVONDALE NURSING HOME
WEST STREET,
CALLAN,
COUNTY KILKENNY.**

poses or is likely to pose a serious and immediate risk, including a risk of fire, to the safety of persons on or in such building or premises. In accordance with Section 20A(2)(b) of the above mentioned act, the reasons listed below are likely to give rise to the said risk:-

- The absence of any certified and verifiable automatic fire detection and alarm system (that would be utilised to give warning to the occupants, the management and the Fire Service in the event of a fire occurring);
- The absence of any certified and verifiable adequate emergency lighting system and emergency exit signage.
- The fact that a fire therein would be likely to spread rapidly within the building.

Accordingly the above mentioned matters involve or will involve a contravention of the Fire Services Acts 1981 and 2003 for the following specified reasons:-

- The fact that the fire detection and alarm fittings as installed has not be certified to be in accordance with I.S. 3218: 2009 Fire Detection & Fire Alarm Systems for Buildings - System Design, Installation, Servicing and Maintenance.
- The fact that the emergency lighting fittings has not be certified to be in accordance with I.S 3217: 2008: Emergency Lighting.
- The fact that the 'fire safety assessment' as per Section 18(6) as requested on 7th June 2011 has not been submitted to Kilkenny Fire Authority.

You are now hereby required to take further notice that in pursuance of the provisions of Section 20A(2)(d) of the Fire Services Acts, 1981 and 2003, the said Fire Authority hereby requires that:-

- Copies of this 'Closure Notice' shall be permanently displayed and conspicuously fixed in prominent position(s) to all access and egress points/doors to this premises, and shall remain so fixed until the fire authority has agreed for same notices to be removed, in accordance the Fire Services Act, 1981 as amended.
- Kilkenny Fire Authority order a full cause and effect demonstration of all the life safety systems when installed.
- The premises shall not be opened to the public after the date specified above unless all irregularities of construction and certification are regularised with Kilkenny Fire Authority and this notice is revoked.

Dated the 26 day of August 2011

AUTHORISED PERSON(S): CIARAN CORMICAN
(PRINT)

SIGNATURE(S):

Ciaran Cormican

Please see overleaf

You are now hereby further required to take notice that in accordance with Section 20A(3)(a) of the said Act, the **NOTICE IS TO TAKE EFFECT AT 12:00 NOON ON MONDAY 29TH AUGUST 2011**

AND TO TAKE NOTE that you may within a period of 7 days, beginning on the day on which this Closure Notice is served, appeal to the appropriate District Court against this Closure Notice. Notice and the grounds of any such appeal must be given to the Fire Authority of the County of Kilkenny.

AND TO FURTHER TAKE NOTE that the bringing of an appeal against this Closure shall not have the effect of suspending the operation of the Closure Notice, but the appellant may apply to the appropriate District Court to have the operation of this Closure Notice suspended until the appeal is disposed of.

AND TO FURTHER TAKE NOTE that failure to comply with the requirements of this Closure Notice is an **OFFENCE** under Section 4 of the Fire Services Acts, 1981 and 2003 and subject to penalties under Section 5 of the Fire Services Acts 1981 and 2003.

A person guilty of an offence shall be liable:-

- (a) on summary conviction, to a fine not exceeding €3,000 or to imprisonment for a term not exceeding six months, or to both, or
- (b) on conviction on indictment, to a fine not exceeding €130,000 or to imprisonment for a term not exceeding 2 years, or to both.

Where a person is convicted of an offence and there is a continuation by the person of the offence after conviction, the person shall be guilty of a further offence on every day on which the contravention continues and for each offence shall be liable:-

- (a) on summary conviction, to a fine not exceed €500 for each day on which the offence is so continued or to imprisonment for a term not exceeding 6 months, or to both, but if a person is convicted in the same proceeding of 2 or more such further offences, the aggregate term of imprisonment to which the person shall be liable shall not exceed 6 months, or
- (b) on conviction on indictment, to a fine not exceeding €13,000 for each day on which the offence is so continued, or to imprisonment for a term not exceeding years, or to both, but if a person is convicted in the same proceeding of 2 or more such further offences, the aggregate term of imprisonment to which the person shall be liable shall not exceed 2 years.

Fire Services Act 1981 and 2003

Section 18

General obligations with regard to fire safety

- 1) This section applies to premises or any part thereof put to any of the following uses
 - (a) use as or for any purpose involving the provision of, sleeping accommodation, excluding premises consisting of a dwelling house occupied as a single dwelling;
 - (b) use as, or as part of, an institution providing treatment or care;
 - (c) use for purposes of entertainment, recreation or instruction or for the purpose of any club, society or association;
 - (d) use for purposes of teaching, training or research;
 - (e) use for any purpose involving access to the premises by members of the public, whether on payment or otherwise: and use for any other prescribed purpose, including
 - i. premises used as a factory within the meaning of the Safety in Industry Acts, 1955 and 1980;
 - ii. premises used as a store and subject to licensing under regulations made under the Dangerous Substances Act, 1972;
 - iii. a magazine, store or registered premises within the meaning of the Explosives Act, 1875; and
 - iv. an oil jetty within the meaning of regulations under the Dangerous Substances Act, 1972.
 - v. any workplace.
- 2) It shall be the duty of every person having control over premises to which this section applies to –
 - (a) Take all reasonable measures to guard against the outbreak of fire on such premises,
 - (b) Provide reasonable fire safety measures for such premises and prepare and provide appropriate fire safety procedures for ensuring the safety of persons on such premises,
 - (c) Ensure that the fire safety measures and procedures referred to in paragraph (b) are applied at all times, and
 - (d) Ensure, as far as is reasonably practicable, the safety of persons on the premises in the event of an outbreak of fire whether such outbreak has occurred or not.
- 3) It shall be the duty of every person, being on premises to which this section applies, to conduct himself in such a way as to ensure that as far as is reasonably practicable any person on the premises is not exposed to danger from fire as a consequence of any act or omission of his.