

Call

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What has changed?

Fire Certificates have been abolished and Fire Authorities are no longer responsible for inspecting and advising on fire safety. This responsibility now falls to the “responsible person”.

the “responsible person”?

This is the person who has control of the premises. This would usually be an employer (in the case of a workplace); a Landlord; a Tenant; managing agents; or anyone under an express obligation (i.e.- by lease; agreement or otherwise). In many cases there will be more than one responsible person. In this situation, all responsible persons must ascertain who will be responsible for each element of the fire safety obligations. The responsible person must also appoint a “competent person” to assist them in their duties. The competent person must have ‘sufficient training, experience and knowledge’ of fire safety legislation. This person could be your existing Health & Safety representative or an external fire safety consultant.

Duties of the responsible person

The responsible person must conduct a ‘fire risk assessment’ to identify any hazards and how to minimise / remove them; to identify the means of escape (i.e.- routes); to identify the means of detecting and giving warning of a fire, and ensure that they are sufficient; to ensure that the fire fighting equipment is suitable; and to ensure all staff have the requisite fire safety training.

Once the assessment has been carried out, the responsible person must put in hand all necessary measures to ensure that there is a properly identified escape route, fully visible extinguishers; fire alarms; emergency lighting; and staff are adequately trained.

Although not all premises are required to keep a written record of their assessment (please note – most types of premises are required to keep a written record), it is best practice to do so, as this will assist the responsible person in their duty to regularly monitor and review the assessment and any action taken.

Business Premises

In relation to business premises, if an employer is in control of premises occupied by his or her staff then that will trigger the need for a risk assessment (which must assess the risk, including necessary remedial work, not merely for the workforce but any relevant persons, including visitors and neighbouring land owners, who may be affected. A tenant in control of their premises (as will almost certainly be the case) must also have a FIRE RISK ASSESSMENT, whether or not they are also an employee. A landlord who retains control of the common parts will require a quite separate assessment.

Specifications

The new regulations set out some specific fire safety requirements, for example- the width of corridors; the width of doorways (depending on the number of employees); etc. – so some minor works may be required to older buildings to ensure that they are fully compliant with the new legislation.

Enforcement

An Inspector (normally a fire officer from the local fire brigade) has the power to inspect properties “at any reasonable time” and in the event of non-compliance, can serve any of the following: Alteration Notice or Enforcement Notice or Prohibition Notice.

Appeals against these notices can be made to the Magistrates Court within 21 days of the date of the notice. It is an offence to fail to comply with the main duties under the new regulations and the responsible person could be fined and / or imprisoned for up to 2 years.

The responsible person has a defence of taking all reasonable precautions and exercising all due diligence.

Conclusion

Safety Priorities do offer a FIRE RISK ASSESSMENT service to all businesses, including the business Landlord and the private domestic landlord.