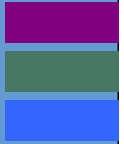


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# Fire Safety Legislation

Regulatory Reform (Fire Safety) Order  
2005

Two years on

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# Agenda

- History of Regulatory Reform (Fire Safety ) Order 'RRO'
- Overview of RRO
- Definitions and guidance on responsible and relevant persons
- General fire precautions
- Legislation
- Enforcement
- RRO 2 years on - Case Law and Studies
- Photograph – typical scenarios
- RPS capabilities
- RPS contact details

- 1993 – Home Office review of the Fire Precautions ( Workplace ) Act 1971, concluded the act was not adequate for the time or the future.
- 1999 – Amendment to Fire Precautions Act 1971 introduced workplace fire risk assessments
- 2000 – As a result of the 1993 review – Regulatory Reform Act was enacted in 2000 to permit the reform of legislation.
- 2004 – Draft proposal for the Regulatory Reform ( Fire Safety ) Order 2004 ( Intended to consolidate the existing fire safety legislation )
- Made on the 7<sup>th</sup> June 2005 – The Regulatory Reform (Fire Safety) Order 2005 ( Came into force from 1 October 2006 )

## The Regulatory Reform (Fire Safety) Order 2005

The order comprises of 5 parts containing 53 Articles and a further 5 schedules.

The 5 parts are:

1. General
2. Fire Safety duties
3. Enforcement
4. Offences and appeals
5. Miscellaneous

# RPS The Regulatory Reform (Fire Safety) Order 2005

The 5 schedules are:

1. Risk assessments, prevention and dangerous substances
2. Amendments to primary legislation
3. Amendments of sub-ordinate legislation
4. Repeals
5. Revocations

The other 5 schedules are “tacked” on the main legislative document and provide information, guidance and reference to other affected legislation.

- Fire certificates are scrapped and existing certificates will cease to have any legal status
- The RRO applies to premises in England and Wales ( Scotland and NI have their own, similar legislation)
- It covers general fire precautions and other fire safety duties which are needed to protect “**relevant persons**” in the case of fire in and around most premises
- The **responsible person** will be required to carry out the fire risk assessment, which must focus on the safety of ALL relevant persons. In particular those at special risk such as disabled or special needs and include assessments of any hazardous substances likely to be on the premises.

## RPS The responsible person

- Responsibility for compliance with the RRO will rest with the “ responsible person”.
- In a workplace this is generally the employer and any other person that may have control of any part of the premises ( e.g occupier or owner).
- In all other premises the person or people with control of the premises will be responsible.
- If there is more than one responsible person in any type of premises, each must take all reasonable steps to work with each other.

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# Relevant persons

- Any person who might be put at risk, or affected by, the occurrence of fire within the premises.
- This includes persons who may be in the vicinity of the premises and may be adversely affected by the fire in or on the premises.

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## General fire precautions

- The RRO makes mention 8(1)“ the responsible person must – (a) take such general fire precautions as will ensure so far as is reasonably practical the safety of its employees and (b) in relation to relevant persons who are not in their employ as may reasonably be required to ensure the premises are safe”

**What is meant by general fire precautions??**

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# Reduce the risk of fire and spread of fire

- Very broad requirement which places an onus to limit the amount of combustible material on the premises to a minimum practical level and encompasses the provision of fire rated compartments , structures etc.

### **Reduction of the risk of fire examples:**

- Separation of fuel and potential sources of ignition
- Reduction or removal of sources of ignition

### **Reducing the risk of fire spread examples:**

- Compartmentation
- Separating of building using fire resisting construction
- The introduction of active fire control measures such as sprinklers to limit the size of any fire.

**RR(FS)O does not detail the measures to be employed, it is the duty of the “responsible person”**

## RPS Means of escape

- There must be sufficient means of escape routes of sufficient capacity to cater for the occupancy of the premises.
- Means of escape must be free from obstructions and blockages.
- Fire doors and other doors on an escape route must be easily opened from the side approached in the event of an evacuation and not require special tools (Keys) or specialist training in their use.
- The requirement also relates to the provision of adequate emergency escape signage and emergency lighting ( BS5499 and BS EN50172 provide guidance).

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# Provisions for fire fighting

- It must be ensured that the correct extinguisher type is provided for the perceived fire risk in their area and that sufficient are provided to enable the fighting of small fires.
- Staff must be made aware of the dangers of using the wrong type of extinguisher type on certain fires.
- There should always be someone present on the premises who has received training specific to the operation of hand held fire extinguishers.
- The requirement for certain buildings for the provision of fire fighting stairs, lifts, wet , dry risers come under this. They require maintenance, testing and regular inspection to ensure they can be used in the event of a fire.
- Also applies to sprinklers or other fixed fire suppression systems.

## Fire detection and warning

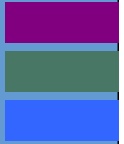
- A suitable method of raising the alarm must be maintained for the premises.
- May not need to require a AFD (Automatic fire detection) system, a small premises may be sufficient to have a manual system or a single room a simple shout may be sufficient.
- More complex premises may need AFD.
- Imperative that occupants of a building are briefed on the type of detection system, and how the alarm is employed, how to raise, recognise and actions in the event of hearing it.

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### Actions to be taken in the event of a fire

- Occupants must be informed of fire safety measures and what action is to be taken in the event of hearing a fire alarm.
- Includes a suitable fire safety plan and notices throughout the premises.
- Duty of responsible person to ensure all occupants receive an appropriate level of training and to ensure records are kept of this training.
- The RRO does not detail what is meant by “reasonably practical”, the onus is on the “responsible person” to show they could not have reasonably been expected to do / provide more for the fire safety of the occupants.

- **ALL** premises covered by the RRO requires a risk assessment.
- The risk assessment is to be carried out by the responsible person or any other nominated **competent person**.
- This will be written and recorded in any place of 5 or more employees, where a licence is in force in relation to the operation of the premises or activities, or where a notice made under the RRO requires it.
- The decision as to whether a recorded fire risk assessment is required rests ultimately with the local fire service, whose job it is to determine the adequacy of proof that the premises comply with the requirements of article 8(1)(a) & (b) and 9 have been met.



The principal aims of a fire risk assessment are to:

- Identify any sources of ignition and, where possible, reduce the risk of fire occurring
- Identify any combustible materials and take steps to separate them from sources of ignition
- Identify those people who are at significant risk
- Identify any unsatisfactory structural features that could promote the spread of fire

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# Who should carry out the fire risk assessment?

**Responsible person** or by another **nominated competent person**. The person carrying out the risk assessment should be able to demonstrate their **competence** by one or more of the following:

- **Qualification** – having studied, sat and attained a recognised qualification in an appropriate subject.
- **Experience** – have a proven ( and traceable ) long term history in the field of fire safety.
- **Incorporation** – be a member of a recognised body in the field of fire safety ( e.g.: IFE)
- By any means **recognised as acceptable** by the relevant local fire service.

Fire and rescue service appointed as the enforcing authority, the inspector may:

- Enter the premises without force.
- Enquire and ascertain the compliance with the RRO including identifying the responsible person.
- Demand the production of documentation which is required for compliance.
- Demand facilitation and assistance in the carrying out of his duties from the responsible person in so far as their responsibilities extend.
- Remove samples of any articles / materials from their premises for the purpose of assessing their fire resistance and flammability.
- Require the dismantling or testing of anything found on the premises which may in his opinion have the cause or is likely to cause a danger to relevant persons.

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The RRO 2 years on.....

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The most common '**Enforcement Notices**' issued by Fire Authorities is relating to:-

- Article 9 – Undertake a risk assessment
- Article 14 – Maintaining emergency exit routes and the exits themselves;
- Article 15 – Procedures for serious and imminent danger and for danger areas;
- Article 17 – Maintenance (of fire safety facilities, equipment and devices)
- Article 21 – Training (of employees).
- Keeping of adequate Records
- (Source – London Fire Brigade and Bedfordshire & Luton Fire Brigade

**London Fire Brigade have issued 1700 Enforcement Notices since the RRO came into effect on the 1<sup>st</sup> October 2006**

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## House of Multiple Occupancy

On the 19th March 2008 Lancashire Combined Fire Authority prosecuted Mr Stephen Langan the owner of Worcester House Hotel under Regulatory Reform (Fire Safety) Order 2005. The Hotel was being used as a House in Multi Occupation and had 12 residents 11 of which were migrant workers all of which spoke little or no English. He appointed a migrant worker as the responsible person.

- The inspection was prompted after Blackpool Fire crews attended a fire in a room and expressed concerns relating to the fire alarm not sounding, inadequate fire separation, several defective fire doors and no responsible person available.
- Fire Safety Officers based at Blackpool Fire Station conducted an inspection and found very serious breaches in fire safety. Due to the severe nature and quantity of fire safety defects, a Prohibition Notice was issued.
- **Total fine £6478**

On the 30 th May 07 Lancashire Combined Fire Authority prosecuted Mr Andreas Mylonas under Regulatory Reform (Fire Safety) Order 2005. This prosecution was started as there had been a serious fire at the premises crews who attended alerted Fire Safety Officers who attended to conduct a post fire inspection of the flats and the commercial premises. They found that the fire alarm was defective and did not alert the residents in the premises that there was a fire, there was inadequate fire separation between the commercial premises and the flats and the means of escape on each floor was blocked by combustible materials.

- **Costs awarded to Fire Authority £2300**
- **Fine total £5900**

RETAIL GIANT, the Co-operative Group (CWS) Limited, was found guilty at Hove Crown Court of endangering the lives of its customers and staff at six of its East Sussex stores.

The group was fined a total of £250,000 on 14 September 2007 for six breaches of fire safety at its stores in Brighton, Forest Row, Polegate, Saltdean, Seaford and St Leonards (see *FP&FEJ*, October 2007, p.4). CWS was also ordered to pay East Sussex Fire Authority costs of over £11,000.

- The case arose following an inspection of a Co-op store in London Road, St Leonards, on 17 July 2006 by a fire officer from East Sussex Fire and Rescue Service after an environmental officer raised concerns about unsatisfactory storage of rubbish at the premises. The fire officer identified numerous serious fire safety management deficiencies at the store, including an inoperative fire alarm, inadequate fire separation between the basement and upper floors, fire doors wedged open, obstructed escape routes and an inadequately maintained escape ladder serving the upper floors.

A landlord in northwest London was fined after pleading guilty to breaches of the Regulatory Reform (Fire Safety) Order.

- In London, a landlord in Harrow was ordered to pay more than £10,000 in fines and costs. Vispasp Sakari was prosecuted following a fire at a house of multiple occupation on 22 November 2007.
- Fire safety inspectors from London Fire Brigade found that the fire alarm was not functioning and the main exit was obstructed. Fire doors were unserviceable due to missing or broken parts and the fire extinguishers were past their testing dates. In addition, the cupboard of the main electrical supply unit was full of combustible material and wires had been left exposed.

## RPS Sports retailer fined

A leading **sports retailer** has been **ordered to pay £23,550 in fines and costs** after pleading guilty to breaches of fire safety legislation.

Hendon Magistrates' Court fined JJB Sports PLC, £17,400 for six breaches of the Regulatory Reform (Fire Safety) Order 2005.

The London Fire Brigade investigated the premises at Friern Bridge Retail Park, N11 on the 19 December 2007 and found a number of contraventions. **These included fire escapes which were locked or partially blocked by the store's stock, and a fire extinguisher that was discovered empty.**

At the proceedings, held on the 3 July, the Judge concluded that the breaches were very serious and also took into account a previous enforcement notice which was issued in relation to the same premises on the 6 December 2005.

In mitigation the defence submitted that the failings were not representative of JJB but of mismanagement within this branch. The Judge also noted that the guilty plea, subsequent fire training undertaken and appearance of senior JJB staff should all be taken into consideration when deciding the fine.

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## First landlord in London imprisoned for fire safety breaches - **21 October 2008**

A **landlord has been sent to prison in** the first custodial sentence to be given in London under the new fire safety regulations. Mr Mehmat Parlak was sentenced to four months imprisonment and his company, Watchacre Properties Limited, were fined £21,000 following conviction for serious breaches of the regulatory reform order (RRO).

- The prosecution followed a fatal fire at a flat on Ruskin Road, Tottenham on 16 September 2007. After being removed from the building by firefighters, a man was taken to hospital but died later from his injuries.
- Councillor Brian Coleman AM FRSA, Chairman of the London Fire and Emergency Planning Authority which runs the London Fire Brigade said “This fire resulted in a man dying and highlights why landlords and businesses must take their responsibilities under the regulatory reform order seriously. The London Fire Brigade works hard to bring irresponsible companies and individuals to court, which can as this case has shown result in a custodial sentence.”
- Sentencing of the company and their Director Mr Parlak, of Wellington Road, Enfield took place at Wood Green Crown Court on 20 October after they pleaded guilty to eight breaches of fire safety.

1. **Article 9** – Failure to make a suitable and sufficient assessment of the risks to which relevant persons were exposed.
2. **Article 11 (1)** – Failure to make and give effect to appropriate fire safety arrangements.
3. **Article 13 (1)(1)** – Failure to provide appropriate fire fighting equipment.
4. **Article 13 (1)(a)** – Failure to provide appropriate fire detection measures, namely adequate smoke alarms in the common parts of the premises.
5. **Article 14 (1)** – Failure to ensure that routes to emergency exits from the premises and the exits were clear (in relation to the gas fired boiler).
6. **Article 14 (2)(a)** – Failure to ensure that persons were able to evacuate the premises as quickly and safely as possible, in that the escape route was not properly protected (because the intermescent strip and cold smoke seal were missing from the top edge of the second floor habitable room and there were combustible materials stored in the exit route including a washing machine, television, clothing and furniture).
7. **Article 14 (2)(g)** – Failure to ensure that there was adequate signage at the premises to indicate the emergency exit and route.
8. **Article 15 (1)** - Failure to establish and give effect to appropriate procedures to be followed in the event of serious and imminent fire.

**RPS Health, Safety and Environment are able to provide independent advice on the following environmental issues:**

- **Asbestos Consultancy - Survey**  
**- Monitoring/ Project Management**
- **Water Quality**
- **Indoor Air Quality**
- **Interactive Risk Management System**
- **Health and Safety Risk Assessments**
- **Fire Risk Assessments/ Evacuation Procedures**
- **Occupational Hygiene**
- **Occupational Health**
- **Training**
- **Environmental Liability**
- **Energy Performance Certificates**

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