

Fire safety – Commercial buildings

Introduction

The Regulatory Reform (Fire Safety) Order 2005 ("the Order") imposes a number of specific duties in relation to fire precautions that must be taken to reduce the risk of fire in premises and to ensure that any occupants can escape safely if a fire does occur.

What types of premises are affected by the order?

The Order can apply to all types of premises and even includes open spaces. Examples of the type of premises affected by the Order are as follows:

- Offices and shops;
- Shared houses, flats and apartments;
- Care homes, hospitals and other such places providing care;
- Community halls;
- Public houses, clubs and restaurants;
- Schools;
- Tents and marquees;
- Hostels and hotels;
- Factories and warehouses;
- Theatres and cinemas;
- Open air events; and
- Stables and barns.

It does not affect residential premises which are occupied by a single family, for domestic purposes, but can apply to communal areas of multi-occupied buildings.

Who is responsible?

The duties imposed by the Order fall on the "responsible person". In relation to a workplace this will be the employer. In relation to any other premises this is the person who has control over the premises or, failing that, the owner. This means the duties could fall on a landlord, a tenant, managing agents, employers, an owner or even chair persons of community halls.

The main responsibilities that person has are as follows:

- 1 To carry out a fire risk assessment;
- 2 To take general fire precautions, for example:
 - a make an assessment of possible risks;
 - b take measures to reduce the risk of fire and fire spreading;
 - c provide a means of detecting fires and fighting fires and a means of escape;
 - d put in place measures for instruction and training including evacuation procedures and fire safety drills
- 3 To consider any persons who would be most vulnerable in the case of fire (e.g. disabled persons who may need assistance or those under 18);
- 4 To ensure that extra precautions are taken to ensure safety where there is storage or use of flammable or explosive materials; and
- 5 To document the fire risk assessment and to review it on a regular basis.

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How is a risk assessment carried out?

In order to comply with the Order a risk assessment must be carried out. This can be carried out by the person who is responsible for fire safety or someone that they have nominated.

If the building has been built according to modern building regulations then the structural fire precautions should be acceptable.

There are several guides published by the Government to help anyone responsible under the Order comply with their obligations and these can be found in the Government's online area on "Fire safety law and guidance documents for business".

A good place to start is the [Fire Safety Risk Assessment: 5-step checklist](#).

Who enforces the order?

The fire authorities are the main people responsible for enforcing the Order. If there is a very serious breach of the Order then the fire authority can prevent the premises being used. If the Order is not complied with, unlimited fines can be levied and up to 2 years in prison.

The impact of the Grenfell fire

The Fire Safety Act 2021 ("the Act")

The Act introduces new provisions into the Order which are targeted at protecting the inhabitants of multi-occupied residential buildings, similar to the Grenfell Tower.

The Act makes it clear that the Order applies, whenever the building contains two or more sets of domestic premises to:

- 1 The building's structure, external walls (including cladding, balconies and windows), and any common parts; and
- 2 Doors between domestic premises and common parts. This will include flat entrance doors and other doors adjacent to common parts.

The Act also clarifies that fire and rescue authorities have the relevant enforcement powers to hold building owners and managers to account.

Other changes made since the Grenfell disaster have generally just been focused on residential buildings. For example, changes to Building Regulations requiring sprinkler systems in residential buildings over 11 metres in height and restrictions on the type of cladding suitable for high rise residential buildings. However, it is possible that further changes for the commercial sector will be implemented in due course; sprinkler requirements in commercial spaces, particularly warehousing, currently fall below equivalent EU requirements.

Further information

This information sheet has been prepared to detail the Regulatory Reform (Fire Safety) Order 2005. It is intended to be for general guidance only and is not a substitute for specific advice. It is based upon our understanding of the legal position as at May 2021 and may be affected by subsequent changes in the law. For more information please contact Sarah Easton on 01892 510000 or email at:

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