

LAWPACK



Do-it-Yourself Kit

Landlord's Fire Risk Assessment

Guidance Manual

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Important Facts about this Lawpack Kit

This Lawpack Kit provides guidance and access to downloadable forms necessary to prepare a fire risk assessment document for residential premises in England, Wales, Northern Ireland or Scotland. You should read and follow the instructions in 'How to use this Kit' opposite.

The information this Kit provides has been carefully compiled from reliable sources, but its accuracy is not guaranteed, as laws and regulations may change or be subject to differing interpretations. The law is stated as at 1 September 2011.

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As with any legal matter, common sense should determine whether you need the assistance of a solicitor or fire risk consultant rather than relying solely on the information and documents provided with this Lawpack Kit.

We strongly urge you to consult a solicitor or fire risk consultant if:

- the nature of your premises and the activities carried out in them are such that there is a high fire risk and so require specialist fire risk assessment advice ;
- you do not understand the guidance or are uncertain how to complete and use a document correctly;
- what you want to do is not precisely covered by the documents provided;

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How to use this Kit

This Lawpack Kit can help you achieve an important legal objective conveniently, efficiently and economically. Nevertheless, it is important for you to use this Lawpack Kit properly if you are to avoid later difficulties.

This Lawpack Kit provides you with fire risk assessment templates and basic guidance on completion. It does not attempt to provide full information on fire safety laws and requirements. In compiling your assessment you may wish to get further advice from your local authority fire service or from government websites such as:

- www.communities.gov.uk
- www.infoscotland.com/firelaw in Scotland
- www.nifrs.org/fire_safety in Northern Ireland

This Kit provides you with the means to produce three documents that the person ‘in control of’ a rented property (normally the landlord or his managing agent) can produce. These are:

- 1. Fire Risk Assessment** – a record of the premises’ fire risk.
- 2. Emergency Action Plan** – details the actions to be taken should a fire start.
- 3. Fire Safety Log Book** – for recording information regarding fire safety.

The requirements of landlords of residential property regarding fire safety depend on whether or not the property being let is a ‘house in multiple occupation’ or HMO, and what kind of HMO it is.

The definition of an HMO has been the subject of legal debate, but it is generally agreed that a residential property will be an HMO if the property is:

- a house subdivided into bedsits;
- a house or flat where each tenant has their own tenancy agreement;
- a house or flat where students or friends live in shared accommodation.

The starting point is that the law requires that all residential properties being let are safe in the event of fire.

However, the specific obligation to carry out a fire risk assessment only applies those HMO properties that are not a ‘single, private dwelling’. This means that an ordinary house which is an HMO purely as a result of its current occupation (because it has been let to three friends for instance) is not required to have a fire risk assessment.

Where a property has been specifically adapted or converted for HMO use (by being converted to bedsit accommodation for three or more households) then a fire risk assessment is required.

Properties where each tenant has been given their own tenancy agreement for the room they occupy (as opposed to all tenants being named on one agreement) are also likely to be seen as being subject to the fire legislation.

Although, there is not a requirement to carry out a fire risk assessment in other letting situations, it is good practice to do so.

The law does not require landlords to produce fire risk assessments in writing, but it is much better to produce a written assessment because it is evidence that one has been carried out. It is also a demonstration that you have considered and taken steps to deal with fire safety, which could be valuable in the case of a fire and any subsequent investigation.

This is a download-based Kit – users must download the template documents for completion (see instruction below). It is suggested that you download your documents for reference, before reading this Manual. The documents are available in PDF and Microsoft Word formats.

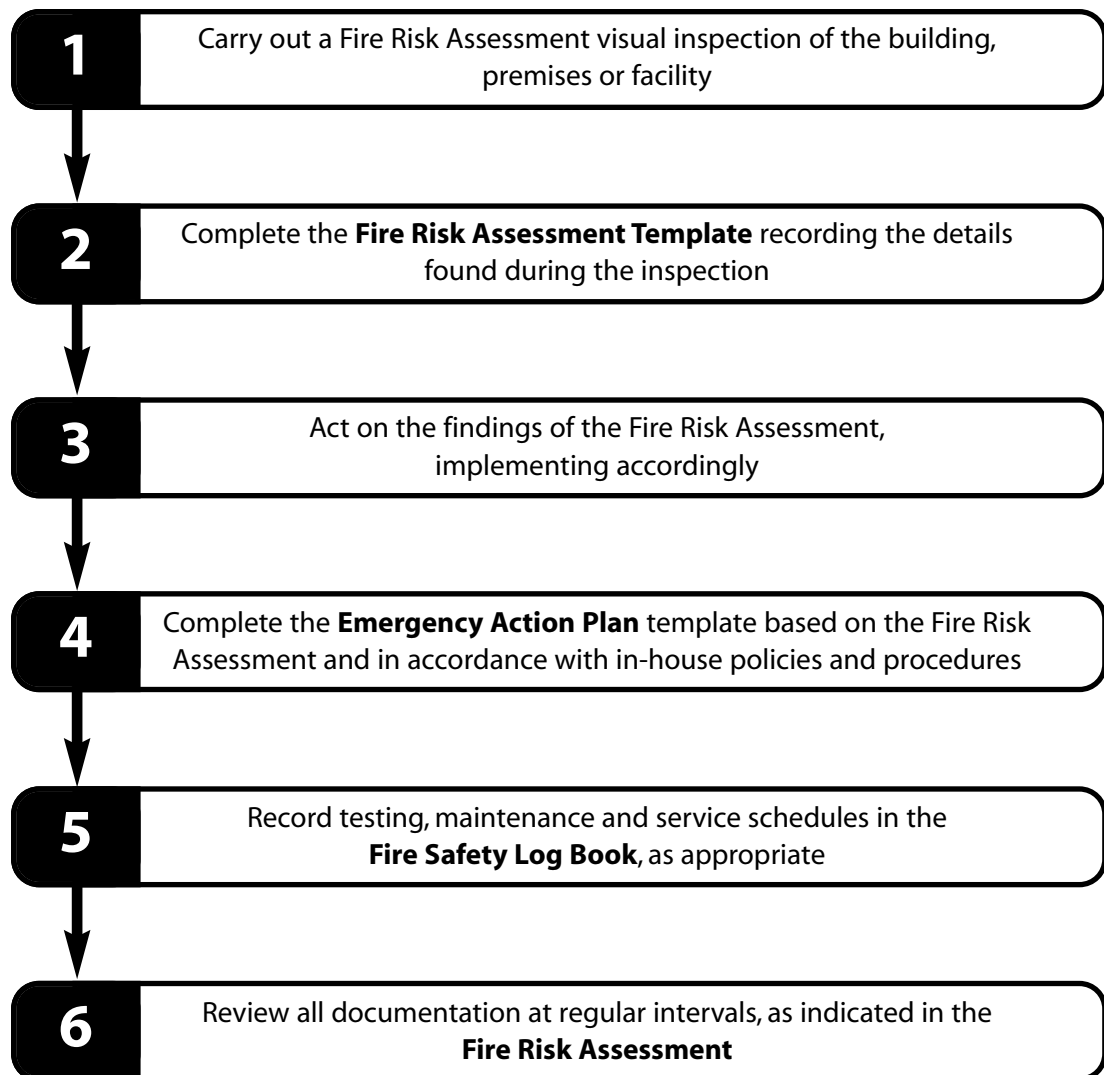
This Manual gives guidance on completing your Fire Risk Assessment document and includes completed examples of a Fire Risk Assessment and Emergency Action Plan for reference. See the flowchart opposite for a summary of the Fire Risk Assessment procedure.

Once completed, your Fire Risk Assessment should be reviewed on a regular basis.

This is an excerpt from Lawpack's *Landlord's Fire Risk Assessment Kit*.

Landlords: To get all the fire risk assessment template forms and expert guidance you need to do your own fire risk assessment, [click here](#).

Flowchart for producing a Fire Risk Assessment



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Introduction

The purpose of a Fire Risk Assessment is to identify sources of ignition, sources of fuel and people at risk from fire, in order to remove or reduce the risk to the lowest possible level. In addition, a Fire Risk Assessment is intended to highlight deficiencies in premises' fire precautions that would otherwise have a detrimental effect on people and property in the event of fire; for example, a lack of fire-resistant materials on escape routes, emergency lighting, signage and fire fighting equipment.

Every business, establishment, venue, entertainment complex or place of gathering that either employs or is used by members of the public is required by law to conduct a Fire Risk Assessment. So are residential premises which are intended to be occupied by several people as a house in multiple occupation (HMO) where they are not single private dwellings that are merely occupied for a short period as an HMO.

A Fire Risk Assessment applies a methodical approach to considering the property and its contents to ensure that all aspects of fire safety are considered fully to the appropriate level of detail and that nothing is missed.

The Fire Risk Assessment provided with this Kit has been drafted as an all-purpose document. It is intended to be a user-friendly template for creating a Fire Risk Assessment, be it simple or detailed.

The legislation

In the past, there were many different elements to fire safety legislation in use throughout the UK. Much of these were replaced by the Regulatory Reform (Fire Safety) Order 2005 in England and Wales, The Fire (Scotland) Act 2005 in Scotland, and The Fire Safety (N.I.) Regulations 2010 in Northern Ireland.

The legislation covers general fire precautions and fire safety duties that are needed to protect people in case of fire in and around most premises. The legislation requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable to do so in the circumstances.

Responsibility for complying with and implementing the order rests with the 'responsible person'. In residential premises, the person or people in control of the premises are responsible, this will normally be the landlord, but it may also include the lettings agent if they are responsible for management. If there is more than one responsible person in relation to any premises, all must take reasonable steps to co-operate and co-ordinate with each other.

The responsible person must carry out a suitable and sufficient Fire Risk Assessment of the general fire precautions. It does not have to be recorded, but it is considered good practice to do so. The purposes of a Fire Risk Assessment are:

- To identify hazards and the risk environment in which they are found.
- To focus attention on measures for the reduction or control of risk to acceptable levels, as far as is reasonably practicable.
- To help managers decide on priorities for action, based upon objective cost-benefit analysis.
- To assist managers in discharging their legal obligations under the appropriate legislation.

The local fire authority will be the enforcing authority under the legislation in relation to most residential premises. The Fire and Rescue Service, on behalf of the fire authority, may at any reasonable time, arrange to audit the premises and the risk assessment in order to confirm compliance with the legislation. Some premises which are HMOs, and many which are not, will not be covered by the above-mentioned fire safety legislation. Instead, local authorities will have the responsibility for enforcing fire safety, although they will usually adopt the same standards and procedures as the fire authority. Local Government Regulation has published a protocol (currently available from www.lacors.gov.uk/lacors/upload/13800.pdf) which is indicative of how the responsibility for fire safety in residential premises will be divided between the two regulatory organisations. It will be the duty of the Fire and Rescue Service to work with the responsible person to ensure safe premises; however, options for enforcement in the case of non-compliance include:

- **A notification of deficiencies** – a formal communication from the enforcing authority (local fire authority/council) outlining areas identified under the relevant fire legislation that need attention.
- **An enforcement notice** – issued when the enforcing authority has identified breaches in the regulations that require immediate improvements to the premises or the way in which it is managed in terms of fire safety.
- **An alterations notice** – if a premises has the potential to be high risk, the enforcing authority may issue an alteration notice which requires them to be informed should any alteration to the property be proposed.
- **A prohibition notice** – if the enforcing authority is dissatisfied with the action (or lack of action) which has been taken, they may then restrict the use of part or all of the premises until such improvements are made.

The Five Steps to a Fire Risk Assessment

By following the five steps to a fire risk assessment, the application and implementation of good fire safety management can be applied to a property in order to remove or reduce and therefore control fire hazards, as far as is reasonably practicable. This can be achieved by walking through the property and inspecting the contents, and the processes and procedures associated with residing there, to identify any area of concern, including the review of existing control measures currently in place.

Step 1 Identify fire hazards

For a fire to start or continue to burn, three elements are required (often referred to as the 'triangle of fire'): a fuel (something that burns), a heat source (flame, spark, hot surface), and oxygen. In order to identify fire hazards, you must look at combustible materials, sources of heat, specific tasks and operations (such as cooking) and unsafe acts and practices.

Residential properties have large quantities of combustible material. However, you should consider whether the amounts and types of combustible material are appropriate to the use of the property as residential accommodation, whether they are kept tidily and in a safe manner, and whether they are separated sufficiently from sources of ignition.

You should consider whether sources of heat are adequately protected from coming into contact with combustible materials. You should also consider whether the design and

placement of facilities and the practices of the occupiers create a risk of fire.

In other words, you should make sure that the occupiers are not using the premises in an unsafe manner that increases the fire hazard and that the premises are not designed in a manner that encourages such use (such as placing storage shelves above cookers, for example).

Step 2 Identify people at risk

You need to consider any person that is likely to use your property and identify their particular requirements. There is inevitably a higher risk in any accommodation in which people are intended to sleep, but you must consider if the sleeping and fire safety arrangements are such as to reduce that extra risk to the lowest reasonable level. There may be occasions when people are particularly at risk, such as those who are physically, mentally or visually challenged.

Step 3 Remove or reduce the risk, and evaluate the current procedures and practices to determine if the existing arrangements are adequate

Having identified the hazard, you need to reduce the chance of a fire starting, thereby minimising the chance of harm to people and property by:

- **REMOVING** the hazard
- **REDUCING** the hazard to its lowest practical level
- **REPLACING** the existing hazard with an alternative
- **SEPARATING** the hazard from the area
- **DEVELOPING A PREVENTION POLICY** to ensure that hazards do not occur

The risk should then be evaluated. The risk factor is simply the severity of the hazard multiplied by the probability of the risk occurring therefore: hazard \times probability = risk factor.

- **High risk** – Where there is a serious threat to life from fire; there are substantial quantities of combustible materials; there are highly flammable substances; or there exists the likelihood of rapid spread of fire, heat and smoke.
- **Normal risk** – Where there are sufficient quantities of combustible materials and sources of heat to be greater than a low fire risk but where a fire would remain confined, or spread slowly.
- **Low risk** – Where there is hardly any risk from fire, few combustible materials, no highly flammable substances and virtually no sources of heat.

The general fire precautions you may need to take

In this short guide, it is impossible to give detailed guidance for every type of accommodation. Local Government Regulation has published a guide to fire safety in residential accommodation (which can be downloaded at www.lacors.gov.uk) which sets out guideline standards for various sizes of residential property. Individual local authorities and fire authorities may have their own standards but the majority will follow the guidance. You should consider the following:

A fire-detection and warning system

- You must have a suitable fire-detection and warning system. This can range from a shouted warning to an electrical detection and warning system appropriate to the size and type of the property. Non-HMO property is not currently obliged to have fire detection and warning systems in place if it was constructed prior to the existence of the Building Regulations 1991, but this is a matter which is likely to change in the near future. You should also note that the local authority is empowered to inspect and require you to make improvements for fire safety purposes in any rented premises using their powers under the Housing Health and Safety Rating System (HHSRS - see www.communities.gov.uk for details), irrespective of the nature of the occupiers, and they will almost certainly demand mains powered and battery-backed integrated smoke and heat detectors as a minimum.
- Whatever system you have, it must be able to warn people in all reasonable circumstances.

In all residential premises it would now be considered a minimum standard to have mains powered smoke and heat detectors with battery backups, spring closure systems on all main doors, and for all doors to be fireproof for at least 30 minutes.

A way of fighting a small fire

- It may be acceptable to have multi-purpose fire extinguishers with a guaranteed shelf life.
- As a rule of thumb, you should have one extinguisher for every 200 metre squares (m²) of floor space with at least one on each floor.

Main types of portable extinguisher

Water	Powder Foam	Carbon Dioxide	CO ₂
For wood, paper, textile and solid material fires	For liquid and electrical fires	For use on liquid fires	For liquid and electrical fires
Do not use on liquid, electrical or metal fires	Do not use on metal fires	Do not use on electrical or metal fires	Do not use on metal fires
Colour coding on body: red	Colour coding on body: blue	Colour coding on body: cream	Colour coding on body: black

You can see the contents of an extinguisher by looking at the colour on the red body.

We have not included halon extinguishers, as no new halon production is permitted in the UK.

Safe routes for people to leave the premises

- The ideal situation is when there is more than one escape route from all parts of the premises, although this is not always possible.
- If only one route is available, you may need to make it fire-resisting (protected) or install an automatic fire-detection system. In all residential accommodation the minimum standard should be to ensure that all doors opening onto the main escape route are fitted with devices that will close them automatically, that those devices are not being impeded

by the occupiers, and that the route will remain safe for at least 30 minutes in the event of a fire in a part of the property adjoining it.

- The distance people need to go to escape (the travel distance) should be as short as possible. The travel distance should be measured from the farthest point in a room to the door to a protected stairway or, if there is no protected stairway, to the final exit from the building.
- If there is only one escape route, the travel distance should not normally be more than 18 metres. This distance should be shorter (12 metres or less) in any parts of the premises where there is a high chance of a fire starting or spreading quickly. The distance can be longer (up to about 25 metres) where the chance of a fire starting or spreading quickly is very low.
- If there is more than one escape route, the travel distance should not normally be more than 45 metres (around 25 metres in areas where the risk of fire is high and about 60 metres in areas where the risk of fire is very low).
- In larger premises or where the escape route is complicated it may be appropriate to place self-illuminating signs and automatic lights with their own independent power supply to ensure that occupiers can find their way out easily.
- Stairways, corridors and areas near the fire exits should be kept clear of obstructions and material which can catch fire. This includes ensuring that occupiers do not obstruct these areas with loose items or rubbish.
- The escape route should lead to a final exit and a safe place.
- If the stairway is not protected, the travel distance should be in line with those suggested above for single escape routes and the final exit should be easy to see and get to from the stairway at ground-floor level.
- High-risk rooms should not generally open directly into a fire-protected stairway.
- If your fire risk assessment shows that people using any floor would not be aware of a fire, you may need other fire-protection measures, for example, an automatic fire-detection and warning system.

You should follow the above guidelines with caution. You must look at each part of the premises and decide how quickly people would react to a warning of fire. If you are in any doubt, you should read the more detailed guidance published by the government or get expert advice.

Suitable fire exit doors

- You should be able to use fire exit doors and any doors on the escape routes without a key and without any specialist knowledge.
- You may need push (panic) bars or push pads in larger HMOs.

Other things to consider

- Whether you need emergency lighting.
- Suitable fire-safety signs in all but the smallest premises.
- Training for occupiers or anyone else you may reasonably expect to help in a fire.
- A management system to make sure that you maintain your fire safety systems.

Some very small and simple premises may be able to satisfy all these steps without difficulty. However, you should still be able to show that you have carried out all the steps.

Step 4 Record plan and train

The Fire Risk Assessment does not have to be recorded in writing but this would be good practice. Any areas of concern highlighted in the assessment must be acted upon, for example, by contractors commissioned to carry out work. Occupiers should be informed about the findings of the assessment, and consideration given to some form of regular fire safety training.

Step 5 Review

The Fire Risk Assessment is not a one-off. It must be reviewed at least annually to make sure it is up to date and when there are changes to:

- Occupancy levels
- Building structure

Completing the Fire Risk Assessment Document

Refer to the downloadable template and the example of a completed Fire Risk Assessment included at the end of this Manual.

Management overview and Authorised signatories

Complete the 'Management overview' and 'Authorised signatories' according to your circumstances. Authorised signatories can be any managers, such as a managing agent, involved in or informed of the Fire Risk Assessment; in some circumstances it might be the same person; this page is not compulsory and merely acts as confirmation that the document has been read and understood.

Section A Building Construction

This section can be divided into three parts:

- i) A breakdown of its general use; for example, 'A three-storey house used as bedsit accommodation'.
- ii) A description of the internal layout; for example, 'Entry to the building is via the main doors to the front of the building which leads into the main hallway, from here two further doors lead into a sitting room and a kitchen'.
- iii) A list of the materials used in its construction – don't forget to include floor and roof/ceiling construction.

Section B Occupancy of Building

Give a brief outline of the number of occupiers and the hours they would normally be expected to be in the building.