

SHROPSHIRE FIRE AND RESCUE SERVICE

FIRE SAFETY ADVICE SHEET

REGULATORY REFORM (FIRE SAFETY) ORDER 2005

On 1st October 2006, the Regulatory Reform (Fire Safety) Order 2005 (RRO) came into force.

What is the Regulatory Reform (Fire Safety) Order 2005?

The Government is bringing about better regulation by regulating only where necessary and in a manner that is more suited to the needs of modern business and commerce.

The Order, made under the Regulatory Reform Act 2001 replaces many of the references to fire safety in other legislation such as the Fire Precautions Workplace Regulations (WFPL), Fire Precautions Act and Licensing Act with a simple, single Order. It requires any person who exercises some level of control in premises to take reasonable steps to reduce the risk from fire and ensure occupants can safely escape if a fire does occur.

Where does the Order apply?

The Order applies to virtually all premises and covers nearly every type of building, structure and open spaces put to certain uses.

For example:

- Offices and shops.
- Premises that provide care.
- The common areas of houses in multiple occupation.
- Pubs, clubs, restaurants, shopping centres and other places of assembly.
- Theatres and cinemas.
- Educational premises.
- Healthcare premises.
- Tents and marquees.
- Hotels and hostels.
- Factories and warehouses.
- Open air public gatherings (concerts, shows etc).
- Transport network.
- Community centres and village halls.
- Churches and other places of religious worship.

But excluding:

- Domestic premises occupied by a single family group
- Open spaces put to solely agricultural and forestry use

What are the main requirements of the Order?

The responsible person is required to:

- Carry out or nominate a competent person to carry out a fire risk assessment identifying the risks and hazards.
- Consider who may be especially at risk.
- Eliminate or reduce the risk from fire as far as is reasonably practical and provide general fire precautions to deal with any residual risk.
- Take additional measures to ensure fire safety where flammable or explosive materials are used or stored.
- Create a plan to deal with any emergency and, in most cases, document your findings.
- Review the findings as necessary.

Generally, the requirements of the RRO will be little different from those already imposed under the WFPL on employers, in that it will require the **Responsible Person** to carry out a **Fire Risk Assessment**, produce a policy, develop procedures, provide staff training and carry out fire drills. The RRO contains the phrase '*The responsible person must appoint one or more competent persons to assist him*'

It goes on to say the competent person must have '*.... Sufficient training, experience and knowledge...*'. Where the competent person is directly employed, the responsible person must ensure that he or she is properly trained. However where the competent person is a sub contractor, it implies that the contractor should have some form of Third Party Accreditation.

Our advice sheet **AS 3/2006** gives further clarification on the competent person, and what to look for when assessing competency, can be found on our web site:

www.shropshirefire.gov.uk/Safety/rro.htm

Definitions

Responsible Person: This is the person who owns the business (the **employer**); the person with control over the premises, business or activity (the **occupier**) or the **owner** of the building or their managing agent. Where two or more responsible persons share responsibility (e.g. tenant/landlord, multiple occupied building or adjacent premises) the responsible persons must co-operate, share information and collaborate to provide safety measures.

Relevant Person: Anyone who is legally on the premises or anyone who is not on the premises but who may be affected by a fire on the premises e.g. members of the public, workers in an adjacent premises.

Competent Person: Anyone appointed by the responsible person and could be anyone from a company fire warden to a fire alarm service engineer. They may be directly employed or a sub contractor, but the important word is **competent**.

Fire Risk Assessment: The cornerstone of the RRO is the Fire Risk Assessment. This must be reviewed regularly and amended if necessary. The risk assessment must be formally recorded if the responsible person employs 5 or more people (not necessarily within the same premises), or the premises are licensed by an authority e.g. local council, environment agency etc, or are subject to an 'Alterations Notice' issued by the Fire and Rescue Service.

Who is responsible for complying?

Under the Order, anyone who has control in a building or anyone who has a degree of control over certain areas or systems may be designated a “responsible person”, for example:

- The **employer** for those parts of premises they have control over.
- The **managing agent** or **owner** for common parts of a premises or common fire safety equipment such as fire warning systems or sprinklers.
- The **occupier** of premises that are not workplaces such as a chairperson in a parish hall.
- Any other person who has some **control** over a part of a premises may be the responsible person in so far as that control extends.

Although in many premises the responsible person will be obvious, there may be occasions when a number of people have some responsibility.

Guidance on the RRO in relation to the various types of premises (occupancies) has now been published by the Government, and these will provide guidance on fire safety matters and the risk assessment process itself. **Remember** – as an employer, you will have been carrying out fire risk assessments since 1997.

Only those premises with no employees (e.g. family run hotels, charitable or voluntary organisations) will notice a major change in the way in which fire safety is dealt with.

Guidance booklets can be downloaded free of charge from the Department for Communities and Local Government web site at: www.communities.gov.uk; or alternatively, it can be reached via our own web site at www.shropshirefire.gov.uk/safety/rro.htm

How do I comply with the Order?

If you are the responsible person you must ensure a fire risk assessment is carried out although you can delegate this task to somebody else. However, you will still remain responsible, in law, for complying with the Order.

The responsible person, either on their own or in co-operation with any other responsible person, must as far as is reasonably practical, ensure that everyone on the premises can escape safely in the event of a fire.

This differs from previous legislation in that there is no longer any distinction made between people who are employees, for example in a place of work and members of the public at an open air entertainment venue. It includes people who may have a disability or anyone who may need special assistance.

Fire Certificates are no longer issued and those previously in force will have no legal status. (However, they may be used as a good starting point for a fire risk assessment). The Order requires that the responsible person takes ownership of the management of any risk in their premises.

If your premises have been designed and built, and are being used in accordance with modern Building Regulations then your structural fire precautions should be acceptable. You will still need to carry out a fire risk assessment and ensure that your risk reduction, fire prevention and maintenance routines are sustained.

The Fire Authority will not conduct your risk assessment for you. It is the responsibility of the responsible person, but we will seek to ensure that any support necessary is made available within the scope of the RRO and general fire safety advice can be made available on specific matters.

For further information on the Regulatory Reform (Fire Safety) Order 2005 please contact:

- Department for Communities and Local Government - <http://www.communities.gov.uk>
- Shropshire Fire and Rescue Service - www.shropshirefire.gov.uk

Or for general fire safety matters, Shropshire Fire and Rescue Service can be reached on **01743 260260** or via our web site at **www.shropshirefire.gov.uk**