



**Fire Safety advice for landlords,
managing agents, private dwellings,
blocks of flats and owners of houses in
multiple occupation and social housing.**



Fire Safety Advice for Landlords

1. As a landlord you must

Just like employers, landlords have certain legal obligations when it comes to fire safety and protection of their properties and the safety of people who reside in their premises. However, it is not as simple as ensuring there is a couple of fire extinguishers to hand – fire safety largely depends on the potential risks and the different types of buildings can cause confusion. For example, a building that is used for a single tenancy will differ to one which is shared across commercial and residential lettings.

Legislation requires that landlords carry out fire risk assessments in all areas of their properties. This process will identify any fire hazards and who is at risk and decide if anything needs to be done to remove or reduce that risk.

Private sector landlords will be required from 1 October 2015 to have at least one smoke alarm installed on every storey of their properties and a carbon monoxide alarm in any room containing a solid fuel burning appliance (e.g. a coal fire, wood burning stove). After that, the landlord must make sure the alarms are in working order at the start of each new tenancy.

NB- There are responsibilities on premises that have no landlord- e.g. 4 flats with common area, lease or freehold. The flat owners are jointly 'responsible persons' and need to ensure legislative requirements are met and maintained.

2. What Legislation applies to you?

Fire safety within the home is an extremely important issue, especially in mixed use premises and where unrelated occupiers, who live independently from one another, share common areas of the same building.

This area of law is covered by the [Housing Act 2004](#) and the [Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#) inside the dwelling and for the common areas, the [Regulatory Reform \(Fire Safety\) Order \(2005\)](#).

DSFRS would encourage all those with an interest in these types of premises to read the [Local Authorities Coordinators of Regulatory Services \(LACORS\)](#) guidance link to ensure they are aware of their responsibilities to carry out a fire risk assessment, and make sure their property has adequate and appropriate fire safety.

3. All landlords have legal obligations as regards fire safety



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At the very least you should ensure that there is an adequate means of escape in case of fire, and landlords of shared and Houses in Multiple Occupation (HMO) properties will have additional obligations, both under the [Regulatory Reform \(Fire Safety\) Order \(2005\)](#) , [Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#) and the [Housing Act 2004](#).

Legislation creates a legal entity known as the “responsible person”.

So if you are the owner, manager, agent or even own a flat within a block ‘you will need to check’ if **YOU** are the responsible person.

If a person has a contractual or tenancy obligation for the maintenance, repair of safety of a premises they can be regarded as a person in control of the premises and therefore acquire responsibility relating to the extent of their control.

It has to be understood that the ‘responsible person’ has an absolute duty to comply with legislation. The responsible person has to ‘get on with it’ without waiting for a prompt or direction from the enforcing authority. As in health and safety legislation, ignorance will be no defense for non-compliance.

4. You must carry out a Fire Risk Assessment for each property you rent out

No particular system or method of fire risk assessment is mandatory; instead the Fire Safety Order concentrates on achieving satisfactory outcomes. The objective is to identify and evaluate all fire risks to which ‘relevant people’ are exposed and create a ‘suitable and sufficient’ fire risk assessment.

Whilst the legislation does not define suitable and sufficient it is generally considered that a risk assessment should following the five step approach as detailed in the following link [what does a fire risk assessment contain?](#)

Relevant people are those who are legally allowed on the premises, e.g. staff, visitors, residents, contractors etc.

The overall aim of a fire risk assessment is to reduce the likelihood of fire, limit the spread of fire, and ensure that people know about a fire and can escape.

A fire risk assessment should systematically identify all fire related hazards within the premises and evaluate how those hazards may adversely affect the building and its occupants. It should identify the level of risk that those hazards may present and also identify suitable control measures for any significant findings. It is often best done by a fire safety professional, particularly if you have HMO properties or a large portfolio. For further





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guidance, there are some examples of [Fire risk assessments and blank templates](#).

For simple premises, you may wish to complete your own fire risk assessments; there are many free templates available on the internet to download.

The Fire Safety Order also requires the fire risk assessment to be periodically reviewed, whenever there is a reason that it is no longer valid, or if significant changes to the matters to which it relates are proposed, e.g. altering the building or changes to occupancy/tenants.

Good practice and best advice would be that a fire risk assessment is reviewed annually.





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5. What does a Fire Risk Assessment Contain?

If you are the responsible person (Owner occupier or agent), you must make sure you carry out a fire-risk assessment, although you can secure a competent person to do this on your behalf. However, you will still be responsible, in law, for meeting the requirements of the legislation.

There are 5 steps to completing a fire risk assessment; you can also seek guidance from the government's booklet, [a short guide to making your premises safe from fire](#) and [Fire safety risk assessment \(sleeping accommodation\)](#).

1. Identify fire hazards

- Source of ignition.
- Sources of fuel; and
- Sources of oxygen.

2. Identify people at risk

- People in and around the premises; and
- People who are especially at risk.

3. Evaluate, remove or reduce, and protect from risk

- Evaluate the risk of a fire starting.
- Evaluate the risk to people from a fire.
- Remove or reduce fire hazards.
- Remove or reduce the risk to people from fire.
- Protect people by introducing fire precautions.

4. Record, plan, inform, instruct and train

- Record any major findings and action.
- Discuss and work with other responsible people.
- Prepare an emergency plan.
- Inform and instruct relevant people.
- Provide training.

5. Review





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- Review your fire risk assessment regularly.
- Make changes where necessary.

6. Keep your residents and visitors informed

Place signs detailing actions to be taken in the event of a fire, make sure your residents and visitors know how to react and where their nearest fire assembly point is located, making sure that all residents are able to understand any instruction provided e.g. A landlord renting out their entire building to non-English speaking residents, but all instructions and signs were in English.

Consider placing fire action signs on the inside of individual resident's front doors as well as corridors (on every level), entrance doors and common areas. You may also consider holding residents meeting to discuss fire safety issues as well as other items and concerns, you may wish to write to each individual resident to inform them formally of the fire safety measures that are in place and ask them to take note of the fire signs around your premises.

7. Ensuring compliance

To assist with enforcement the Fire and Rescue Authority (FRA) discharges its responsibility to enforce the requirements of the [Regulatory Reform \(Fire Safety\) Order \(2005\)](#) by appointing inspecting officers who undertake work on behalf of the Fire Authority. Such inspectors are given certain powers, such as:

To enter any premises which he has reason to believe it is necessary for him to enter to enforce the Fire Safety Order at any reasonable time.

To make enquires to ascertain whether the provisions of the Fire Safety Order have been complied with and identify the responsible person.

To require the production of any records which are required to be kept by virtue of the Fire Safety Order so that they can inspect them, and if necessary take copies.

Require any person with responsibility in relation to any premises to give them such facilities and assistance as to enable the inspector to exercise their powers.

To take samples of any article or substance found in any premises to ascertain their fire resistance or flammability.





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If articles or substances are found which appear to have caused, or likely to cause danger to the safety of relevant persons, to cause it to be dismantled or subjected to any process or test.

Inspectors will carry and produce if required, evidence of their authority to exercise their powers under the Fire Safety Order.





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8. Non-compliance

There are a number of possible courses of action that can be taken by the Fire and Rescue Authority if a premises is found to be non-compliant with the Fire Safety Order, these are

- Advice letter
- Minor deficiencies letter
- Action plan

Alterations Notice

The alterations notice is a tool that can be used by the Fire and Rescue Authority to pro-actively control or influence the management of fire risk within such high risk premises. If the Authority is of the opinion that the premises constitutes such a risk to relevant persons, or that it may constitute such a risk if any changes are made, it can serve an alterations notice on the responsible person, giving the reasons why.

The effect of such a Notice is to require the responsible person to notify the Fire and Rescue Authority of any proposed changes to the premises before proceeding. The terms of the notice may vary, but could include requirements to send details of their fire safety assessments.

Enforcement Notice

When there are significant failures to comply with the requirements of the Fire Safety Order in premises the Fire and Rescue Authority has the power to issue an Enforcement Notice on the responsible person or person in control of the premises.

It is good practice that consultation takes place between the Fire and Rescue Authority's inspecting officers and the intended recipient so that the most practical and efficient Notice can be drafted. This is especially important as the person upon whom the Enforcement Notice is served can appeal against the Notice. Any appeal will suspend the Notice until such time as the court decides whether to uphold it, change it or cancel it.

The Enforcement Notice

- Will state the reasons why the Notice has been issued.





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- Will specify which provisions of the Fire Safety Order have not complied with.
- Will require that person to take steps to remedy the situation within a given time period.
- May include considerations as to how to remedy such failures, giving choices and options between different ways to remedy the contraventions.

Recognising that there are other enforcing authorities of other legislation and regulation who may have an interest in the premises, the Fire Safety Order requires the Fire and Rescue Authority consult with the relevant authorities before issuing any Enforcement Notice.

The aim of this requirement is to try to avoid any conflict of interests and requirements between authorities, it is hoped that this consultation period will stop the responsible person receiving conflicting, multiple or duplicated requirements from different enforcing authorities.

Prohibition Notice

Prohibition Notices are reserved for those circumstances (serious and imminent danger to life) where the risk to relevant persons is so severe that the use of the premises must be restricted or stopped immediately.

Such situations are often referred to as 'dangerous conditions'. It is impossible to list all the different types or combinations of dangerous conditions that can be encountered, but they will all have one thing in common, namely that if the premises are used then people's lives are, or will be at high risk.

Examples of situations and circumstances that could give rise to dangerous conditions include:

- Premises totally unsuitable for use to which it is being put.
- Overcrowding of premises so that means of escape is compromised or ineffective.
- Blocked, obstructed, restricted or complex escape routes.
- Missing or defective fire warning and/or detection system.
- Excessive travel distances.
- Missing or defective structural fire resistance.
- Excessively high risk of fire breaking out or spreading.





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This list is by no means conclusive. It must be emphasised that firefighters are ‘the eyes and ears’ of the Fire and Rescue Authority and are frequently best placed to identify and report dangerous conditions.

The Prohibition Notice:

- Will state the Fire and Rescue Authority’s opinion that the use of all or part of the premises should be prohibited.
- Will specify the reasons why.
- Direct that the use to which the Notice relates is prohibited or restricted as specified in the Notice.
- May include directions as to the measures that will have to be taken to remedy the situation, giving alternative options and choice as appropriate.

A Prohibition Notice takes effect immediately it is served. Appeal against the Notice can be made, but the Notice continues in effect whilst any appeal process takes place.

9. Offences

Not every breach of the Fire Safety Order automatically constitutes an offence. Depending on the circumstances and certain legal technicalities and protocols, a failure to comply with the Fire Safety Order is a criminal offence, and therefore dealt with in the criminal courts. Many of the offences are ‘either way’ offences, that is they can be dealt with summarily in the Magistrates Court, or can be heard (or sentenced) in the Crown Court.

The principle and probably most common offences are a failure to comply with the main requirements of the Fire Safety Order. Namely:

- Duty to take general fire precautions.
- Fire risk assessment.
- Principles of prevention.
- Fire safety arrangements.
- Elimination or reduction of risk from dangerous substances.
- Fire-fighting and fire detection.
- Emergency routes and exits.





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- Procedures for serious and imminent danger.
- Maintenance.
- Safety assistance.
- Provision of information for employees.
- Provisions of information to employers and the self-employed.
- Training.
- Co-operation and co-ordination.

In all the above cases it is necessary to establish that the failure has caused relevant persons to be at risk of death or serious injury in case of fire. If this cannot be proven to the courts satisfaction then no offence has been committed.

Other 'either way' offences include:

- Failure to comply with an Alterations Notice.
- Failure to comply with an Enforcement Notice.
- Failure to comply with a Prohibition Notice.

As of April 2015 a Magistrate can impose unlimited fines for each offence.

If the matter is referred to a Crown Court they can impose an unlimited fine and/or imprisonment for a term not exceeding two years for each guilty offence.

Other offences are only dealt with summarily in the Magistrates Court and will attract a lesser sentence. These include:

- Intentionally obstructing an inspector exercising their powers.
- Failure to comply with general duties of employees at work and placing one or more relevant persons at risk of death or serious injury in case of fire.
- Giving false information or making false records or entries into books, notices or documents.
 - Pretend, with intent to deceive, to be an inspector.

10. Considerations

- **You should fit smoke detectors to all properties.** All alarms that are fitted should be regularly maintained and tested to ensure they are





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working (this includes on a battery backup power supply for mains powered systems).

- **Ensure that all outside doors can be easily opened at all times from the inside.** If you fit a mortice lock, make sure you install one with a thumb turn which can open from the inside. Having a spare key by the door is less satisfactory as it can get lost.
- **Consider introducing a smoking policy in the property,** provide wall mounted ash trays to the external part of the building away from external doors and windows and encourage residents to use this as a smoking area.
- **Carry out regular electrical installation safety checks,** if your property has an alarm system and or emergency lighting installed into the common areas, these will need to be maintained and logged in a maintenance book by a competent engineer.
- **Make sure ALL passages and corridors (escape routes) are kept clear,** i.e. do not have anything which can burn or clutter the escape route for residents leaving the premises in the event of a fire.
- **All doors that lead out onto the escape route** (i.e. a front door of a flat in a block) is required to be a 30 minute fire door (FD30)
- **Seek Advice from your local Fire and Rescue Service,** although the fire service are unable to complete a fire risk assessment for you, they will be able to offer guidance and best practice advice on how to meet the requirements of the relevant Fire Safety legislation or you may consider employing the services of a competent fire safety professional to carry out an assessment and provide a report, this should be carried out before taking on any residents, and preferably before starting any building work.
- **Premises security with regards to arson,** make sure all outdoor bin areas are tidy and free from combustible materials, if possible, lock bin areas and supply keys to all residents.

Remember as well as your resident's lives, it is also your investment that is at risk.

