



**The  
Property  
Institute**

## **ADVICE NOTE**

# FIRE SAFETY MANAGEMENT IN FLATS

A good practice guide for those involved in the management of fire safety in properties in the residential long leasehold sector, including resident management companies, right to manage companies, managing agents, developers and landlords.



## INTRODUCTION

This Advice Note is for those involved in the management of fire safety in properties in the residential long leasehold sector, including residents management companies, right to manage companies, managing agents, developers and landlords.

It represents the core of good practice for those who manage fire safety in residential long leasehold properties and the clients/responsible persons whom they act for. It has been written to apply to residential long leasehold properties (a lease of a term in excess of 21 years when originally granted) in England and Wales where a service charge, which varies according to expenditure, is payable.

While every effort has been made to ensure the accuracy of the information contained in this guidance, it must be emphasized that because the Institute has no control over the precise circumstances in which it will be used, the Institute, its officers, employees and members can accept no liability arising out of its use, whether by members of the Institute or otherwise. The guidance is of a general nature only and makes no attempt to state or conform to legal requirements; compliance with these must be the individual user's own responsibility and they therefore should seek independent advice.

TPI members have access to over 100 Guidance Notes – this is the only one that has been made available to non-TPI members as we wish to promote fire safety industry wide.

If you wish to find out more about TPI and the help and guidance it offers its members, please contact [info@tpi.org.uk](mailto:info@tpi.org.uk).

The term 'managing agent' is used in this document in relation to a residential managing agent or other similar residential property management organisation working under a contract or management agreement for or on behalf of a responsible person.

Where an action is imposed upon a responsible person, but may also be imposed upon a managing agent who has agreed in their contract or management agreement, to manage, or take, the referenced action, the term 'duty holder' is used.

## NOTE

As the leading trade body for residential leasehold management, TPI is also an important resource for leaseholders. Our Advice Notes cover a range of topics on the leasehold system to help leaseholders understand their rights and responsibilities and ultimately get the most out of living in their flat.

## CONTENTS

<b>PART 1 – FIRE SAFETY LAW</b>	<b>4</b>	<b>Should a fire strategy be written down</b>	<b>25</b>
The law governing fire safety in blocks of flats	4	Provision of information to new responsible person	25
The Fire Safety Act 2021	4	Evacuation strategies	26
The Building Safety Act 2022	4	Fire risk management strategy	27
The Regulatory Reform (Fire Safety) Order 2005	5	Fire safety information	27
Duties imposed by the Fire Safety Order	5	Fire safety arrangements	29
The Fire Safety (England) Regulations 2022	11	<b>PART 4 – MANAGING FIRE RISKS</b>	<b>31</b>
The Building Regulations 2010	12	Emergency routes and exits	31
The Housing Act 2004	14	Fire detection and alarm systems	31
Landlord and Tenant Act 1985 Section 20	15	Compartmentation and flat front doors	32
<b>PART 2 – FIRE RISK ASSESSMENT</b>	<b>16</b>	Internal alterations to flats	<b>34</b>
Fire risk assessments	16	Wayfinding signage	34
Appointing fire risk assessors	16	Electric vehicle charging	34
Specifying the scope of a risk assessment	17	Housekeeping and common parts	35
Managing agents' responsibilities in relation to FRAs	19	Routine checks and maintenance	36
Instructing more detailed assessments	20	Routine checks of fire doors	26
Reviewing a risk assessment	20	Maintenance and testing	36
Fire risk action plans	20	Inspecting and maintaining the doorset	41
Collection of funds for FRAs or fire risk control actions	20	Secure information box	42
<b>PART 3 – FIRE SAFETY MANAGEMENT</b>	<b>21</b>	Providing information to residents	<b>42</b>
Fire strategies	21	Providing information to leaseholders	43
The history of building regulations	21	Primary Authority Scheme	43
Building Regulations – Schedule 1 Part B	23	Further information	44
Reviewing, updating or compiling a fire strategy	24		

## Overview

This Advice Note summarises some of the key points about managing fire safety in residential long leasehold properties.

It is not in any way a full statement of what those involved in the management of properties in the residential long leasehold sector should be aware of in respect of fire safety.

It signposts where guidance on best practice is available.



## PART 1 – FIRE SAFETY LAW

### The law governing fire safety in blocks of flats

The following legislation imposes duties in relation to fire safety in blocks of flats:

- The Fire Safety Act 2021<sup>1</sup>;
- The Building Safety Act 2022<sup>2</sup>;
- The Regulatory Reform (Fire Safety) Order 2005<sup>3</sup> (as amended);
- The Fire Safety (England) Regulations 2022<sup>4</sup>;
- The Building Regulations 2010<sup>5</sup> (as amended) [the Building Regulations]; and
- The Housing Act 2004<sup>6</sup>.

#### Statutory Guidance

Fire safety in purpose-built blocks of flats<sup>12</sup> is produced in pursuance of the obligation of the Secretary of State, under Article 50 of the Fire Safety Order, to ensure that guidance is available to assist responsible persons in the discharge of their duties imposed by the Fire Safety Order and by regulations made under the Fire Safety Order. As such, it is expected that those with duties under the Fire Safety Order, and enforcing authorities charged with enforcing the Fire Safety Order, will have regard to this Guide.

Fire safety in purpose-built blocks of flats takes the form of guidance and recommendations, but it is not intended that the guidance and recommendations should be applied prescriptively in all cases. It is important to ensure that the fire safety arrangements incorporated within any purpose-built block of flats are adequate and proportionate to ensure the safety of all relevant persons (as defined in the Fire Safety Order), taking into account the requirement under the Fire Safety Order for a suitable and sufficient fire risk assessment to be carried out.

However, failure to comply with applicable aspects of the principles set out in Fire Safety in Purpose-built Blocks of Flats may be taken as evidence of contravention of duties under the Fire Safety Order. This does not mean that every recommendation in the guidance must be applied prescriptively, but there may be a need to justify departures from the guidance or any alternative approaches adopted.

When managing purpose-built blocks of flats, this guidance should be read in conjunction with the guidance given in Fire Safety in Purpose-Built Blocks of Flats.

### The Fire Safety Act 2021

The Fire Safety Act 2021<sup>1</sup> was brought into force by the Fire Safety Act 2021 (Commencement) (England) Regulations 2022 on 16th May 2022.

The Fire Safety Act 2021 amends the Regulatory Reform (Fire Safety) Order 2005 to widen its scope to include:

- Where a building contains two or more sets of domestic premises:
- the building's structure and external walls and any common parts;
  - all doors between the domestic premises and common parts.

Reference to external walls includes:

- doors or windows in those walls; and
- anything attached to the exterior of those walls (including balconies).

The Act also requires the Secretary of State to publish guidance which sets out how a person who is subject to the duties in relation to more than one set of premises is to prioritise the discharge of those duties in respect of the different premises by reference to risk.

The Fire Safety Act commencement prioritisation guidance explains the government's FRA Prioritisation Tool<sup>10</sup> and supports responsible persons to develop a strategy to prioritise their buildings to update their fire risk assessments to include external walls.

The Act modifies Article 50 of the Fire Safety Order to allow:

Where in any proceedings it is alleged that a person has contravened a provision of articles 8 to 22B of the FSO or of regulations made under Article 24 of the FSO [Fire Safety (England) Regulations 2022<sup>4</sup>] in relation to a relevant building (or part of the building):

- proof of a failure to comply with any applicable guidance may be relied on as tending to establish that there was such a contravention, and
- proof of compliance with any applicable guidance may be relied on as tending to establish that there was no such contravention.

The Fire Safety Act Commencement Prioritisation Guidance<sup>8</sup> was issued by the Secretary of State in May 2022.

### The Building Safety Act 2022

The Building Safety Act 2022<sup>2</sup> received Royal Assent on 28th April 2022.

Part 4 of the Act contains provisions about the management of occupied higher-risk buildings in England and imposes duties on accountable persons, who will be the new duty holders in such buildings, in relation to the assessment and management of building safety risk, which is defined as:

- the spread of fire;
- structural failure.

Section 156 of the Building Safety Act, which came into force on 1st October 2023, has the effect of amending the Fire Safety Order to:

- require that all responsible persons must make a record of the findings of the fire risk assessment, and in full (where previously they only needed to record the significant findings of the assessment);
- require that all responsible persons must record the identity of the individual (their name) and/or, if applicable, their organisation (name) engaged by them to undertake/review any or all of the fire risk assessment;
- require that all responsible persons must record their fire safety arrangements (demonstrate how fire safety is managed in your premises);
- require that all responsible persons must record (and as necessary update) their contact information, including a UK-based address, and share this with other responsible persons and residents of multi-occupied residential premises where applicable;

- require that all responsible persons must take reasonably practicable steps to as-certain the existence of other responsible persons who share or have duties in respect of the same premises, and of Accountable Persons (which are the new legal entity made under the Building Safety Act in the case of higher-risk residential buildings) in relation to the premises – they must then identify themselves to said persons;
- require that departing responsible persons must share all 'relevant fire safety information' with incoming responsible persons;
- require responsible persons of a building containing two or more sets of domestic premises to provide residents with relevant fire safety information in a format that is easily understood by the residents;
- increase the level of fines for some offences; and
- strengthen the status of statutory guidance issued under Article 50 of the Fire Safety Order.

Although fire safety management is a key element of building safety management, the Building Safety Act and secondary legislation made under the act is included in separate TPI member guidance.

## The Regulatory Reform (Fire Safety) Order 2005

### Application of the Order

The Regulatory Reform (Fire Safety) Order 2005<sup>3</sup> (hereafter the Fire Safety Order or FSO) applies to premises which are defined as 'any place' and in particular includes any workplace.

Workplace means any premises or parts of premises, not being domestic premises, which are used for the purposes of an employer's undertaking and are made available to an employee of the employer as a place of work and includes:

- any place within the premises to which such employee has access while at work;
- any room, lobby, corridor, staircase, road, or other place:
  - used as a means of access to or egress from that place of work; or
  - where facilities are provided for use in connection with that place of work, other than a public road.

The Fire Safety Order 'does not apply in relation to domestic premises, except to the extent mentioned in paragraph (1A) or article 31(10)'.

Paragraph (1A) states:

'Where a building contains two or more sets of domestic premises, the things to which this order applies include:

- the building's structure and external walls and any common parts;
- all doors between the domestic premises and common parts (so far as not falling within sub-paragraph (a)).'

Paragraph (1B) states:

'The reference to external walls includes:

- doors or windows in those walls, and
- anything attached to the exterior of those walls (including balconies).'

Article 31(10) allows an enforcing authority to prohibit the use of a property in certain circumstances.

### Duties imposed by the Fire Safety Order

- Where the premises are a workplace, the responsible person must ensure that any duty imposed by Articles 8 to 22B of the FSO or by regulations made under Article 24 of the FSO is complied with in respect of those premises.
- Where the premises are not a workplace, the responsible person must ensure that any duty imposed by Articles 8 to 22B or by regulations made under Article 24 is complied with in respect of those premises, so far as the requirements relate to matters within his control.
- Any duty imposed by Articles 8 to 22B or by regulations made under Article 24 on the responsible person in respect of premises shall also be imposed on every person who has, to any extent, control of those premises so far as the requirements relate to matters within his control.
- Where a person has, by virtue of any contract or tenancy, an obligation of any extent in relation to:
  - the maintenance or repair of any premises, including anything in or on premises; or
  - the safety of any premises, that person is to be treated, for the purposes of paragraph 3, as being a person who has control of the premises to the extent that his obligation so extends.

Articles 8 to 22B and any regulations made under Article 24 only require the taking or observance of general fire precautions in respect of relevant persons.

### The responsible person

In the FSO, there is a hierarchy of responsible persons. The definition of responsible persons is in Article 3, where the hierarchy of responsible persons is set out as follows:

- in relation to a workplace, the employer, if the workplace is to any extent under his/her control;
- in relation to any other premises:
  - the person who has control of the premises (as occupier or otherwise in connection with the carrying on by him/her of a trade, business or other undertaking (for profit or not); or
  - the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.'

### Responsible person in workplaces

Where the parts of the building that need to be managed are a workplace, Article 3(a) applies.

The hierarchy in the definition in Article 3 means that employers are retained as the persons with primary responsibility in workplaces.

The FSO defines a workplace as:

"any premises or parts of premises, not being domestic premises, used for the purposes of an employer's undertaking which are made available to an employee of the employer as a place of work and includes:

- (a) any place within the premises to which such employee has access while at work; and
- (b) any room, lobby, corridor, staircase, road, or other place:
  - (i) used as a means of access to or egress from that place of work; or
  - (ii) where facilities are provided for use in connection with that place of work, other than a public road.”

Therefore, where the person or organisation named in the lease as being responsible for the maintenance, repair and cleaning of the common parts is an employer and makes those common parts available to their employees, they will be a responsible person.

Where a managing agent, or other similar organisation, is responsible for managing a property and they employ a property manager, or concierge, whose workplace is the property, or a place within the property, they could be considered the responsible person for the workplace if it is, to any extent, under their control. In such circumstances, responsibility will extend to any room, lobby, corridor, staircase, road, or other place:

- used as a means of access to or egress from that place of work; or
- where facilities are provided for use in connection with that place of work.

The ability for a managing agent to instruct work without referring the matter to their client for approval and their agreed spending limit or emergency spending provision will all be relevant in determining the limit of their control and therefore the extent of their duties as a responsible person.

The term ‘managing agent’ is used in this document in relation to a residential managing agent, or other similar organisation, working under a contract or management agreement, for or on behalf of a responsible person.

### **Responsible person for parts of the building that are not a workplace**

Where the parts of the building that need to be managed are not a workplace, Article 3(b) applies.

This is the case:

- where the parts to be managed are:
  - the building’s structure and external walls; and
  - doors between the domestic premises and common parts; or
- where the common parts are controlled by an organisation, or
- person, that is not an employer that makes those common parts available to their employees.

The responsible person in such circumstances is therefore:

- the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him/her of a trade, business or other undertaking (for profit or not); or
- the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.

This means that the responsible person for the building’s structure and external walls, and doors between the domestic premises (and anything affixed to them) and common parts, can be:

- the person or organisation who is named in the lease as being responsible for the maintenance, repair and cleaning of those parts e.g. landlord, residents’ management company (RMC), or managing agent as the named manager in a tripartite lease, or a right to manage company (RTM) who has acquired the right to manage under the provisions of the Commonhold and Leasehold Reform Act, or a court or tribunal appointed manager (appointed under Section 24 of the Landlord and Tenant Act 1987);
- a managing agent, or other similar organisation, where:
  - their management agreement commits them to discharging a duty under the Fire Safety Order; and
  - they have an ability to instruct work without referring the matter to their client for approval and could have discharged the duty within the agreed spending limit or under an emergency spending provision; or
- a leaseholder (flat owner) where parts of the building to which the FSO applies are demised to them (e.g. a flat front door).

In some cases, the person or organisation named in the lease as being responsible for the building’s structure and external walls is different from the person or organisation who is named as being responsible for the common parts. In such cases, they will both be a responsible person, as well as any leaseholders where parts of the building to which the FSO applies are demised to them.

### **Responsible persons in tripartite leases**

A managing agent will be a responsible person where they are named in the lease as being responsible for the management of any part of the building that falls within the scope of the FSO. This would be the case where they are named as being responsible for the management function within a tripartite lease.

### **Managing agents as a responsible person**

Even where the managing agent is, or could be considered, the responsible person they:

- should only take the action where:
  - it can be undertaken within their agreed spending limit;
  - the lease permits; and
- the costs for taking the action are recoverable and reasonable; and/or
- should not act where they have been explicitly instructed by their client not to do so.

### **Determining who is the responsible person in a residential leasehold property**

The provisions of the building’s lease will usually determine who is a responsible person. There will, in many cases, be more than one responsible person. A freeholder, landlord, RMC, RTM and even, in certain circumstances, a managing agent can all be a responsible person.

The leaseholder, where parts of the building to which the FSO applies are demised to them, may also be a responsible person in relation to the demised parts.

If you are in any doubt as to who is, or who is not, a responsible person, or you are receiving conflicting opinions, you should seek further professional guidance.

When commissioning FRAs, managing agents are advised to consult the lease to determine who the responsible person is, or responsible persons are, and ensure that the names of all responsible persons and the parts of the building they are responsible for are communicated to the risk assessor and recorded in the risk assessment.

Where parts of the building to which the FSO applies, such as flat front doors and balconies, are demised to leaseholders, this should be communicated to the risk assessor and recorded in the risk assessment; however, it is not perhaps necessary to name each leaseholder.

### Other duty holders

Other people and organisations also have duties under the Order. Article 5(3) states that:

‘Any duty imposed by articles 8 to 22 ... on the responsible person in respect of premises shall also be imposed on every person, other than the responsible person ... who has, to any extent, control of those premises so far as the requirements relate to matters within his/her control.’

Article 5(4) states that:

‘Where a person has, by virtue of any contract or tenancy, an obligation of any extent in relation to:

- (a) the maintenance or repair of any premises, including anything in or on premises; or
  - (b) the safety of any premises;
- that person is to be treated as being a person who has control of the premises to the extent that his/her obligation so extends.’

Articles 5(3) and 5(4) can impose duties on a wide variety of people, including the managing agent, fire risk assessors, fire alarm maintenance contractors and, in the case of flat front doors, the leaseholder.

### Managing agents as a duty holder

A managing agent will have duties under the Fire Safety Order only where they have agreed to undertake duties in relation to compliance with the Fire Safety Order on behalf of their client. Any such agreement should be recorded in their management agreement.

Where a managing agent chooses to offer fire safety management services, Articles 5(3) and 5(4) impose duties upon them in relation to the services they offer. They will not, however, automatically become the responsible person.

In this document we use the term duty holder to mean both a responsible person and a person where duties are imposed by Articles 5(3) and 5(4).

### Alterations notices

Article 29 allows the enforcing authority to serve an ‘alterations notice’ on the responsible person if they believe that the premises:

- may constitute a serious risk to relevant persons (whether due to the features of the premises, their use, any hazard present, or any other circumstances); or
- may constitute such a risk if a change is made to them or the use to which they are put.

Where an alterations notice has been served, the responsible person must, before making any of the following changes which may result in a significant increase in risk, notify the enforcing authority of the proposed changes:

- a change to the premises;
- a change to the services, fittings or equipment in or on the premises;
- an increase in the quantities of dangerous substances which are present in or on the premises;
- a change to the use of the premises.

An alterations notice may include a requirement that, in addition to the notification required above, the responsible person must:

- take all reasonable steps to notify the terms of the notice to any other person who has duties under Article 5(3) in respect of the premises;
- record the findings of the fire assessment, including the risk avoidance or control measures which have been or will be taken by the responsible person and any group of persons identified by the assessment as being especially at risk;
- record the fire safety arrangements required by Article 11 of the FSO; and
- before making the changes detailed above, send the enforcing authority:
  - a copy of the fire risk assessment; and
  - a summary of the changes they propose to make to the existing general fire precautions.

### Enforcement notices

Where the enforcing authority believes that the responsible person or any other person mentioned in Article 5(3) has failed to comply with any provision of the Fire Safety Order or of any regulations made under it [the Fire Safety (England) Regulations 2022], the authority may serve an enforcement notice on that person.

An enforcement notice may include directions as to the measures which the enforcing authority consider are necessary to remedy the failure, and any such measures may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention.

### Prohibition notices

Where the enforcing authority believes that use of premises involves or will involve a risk to relevant persons, including anything affecting their escape from the premises in the event of fire, so serious that use of the premises ought to be prohibited or restricted, the authority may serve a prohibition notice on the responsible person or any other person mentioned in Article 5(3).

A prohibition notice may include directions as to the measures which will have to be taken to remedy the matters specified in the notice, and any such measures may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the matters.

A prohibition or restriction contained in a prohibition notice takes effect immediately when it is served if the enforcing authority believes, and states in the notice, that the risk of serious personal injury is or, as the case may be, will be imminent. In any other case the prohibition or restriction takes effect at the end of the period specified in the prohibition notice.



Before serving a prohibition notice in relation to a house in multiple occupation, the enforcing authority must, where practicable, notify the local housing authority of their intention and the use which they intend to prohibit or restrict.

A house in multiple occupation means a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004<sup>6</sup>, as they have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act).

A prohibition notice can be served on domestic premises other than premises consisting of or comprised in a house which is occupied as a single private dwelling.

### Offences

It is an offence for any responsible person or any other person mentioned in Article 5(3) of the FSO to fail to comply with any:

- requirement or prohibition imposed by Articles 8 to 22B and 38 (fire safety duties) of the FSO where that failure places one or more relevant persons at risk of death or serious injury in case of fire;
- requirement or prohibition imposed by regulations made, or having effect as if made, under Article 24 of the FSO [Fire Safety (England) Regulations 2022] where that failure places one or more relevant persons at risk of death or serious injury in case of fire;
- requirement imposed by Article 29(3) or (4) (alterations notices); and
- requirement imposed by an enforcement notice.

Article 32(8) states that, where an offence committed by a body corporate (company) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, they as well as the body corporate are also guilty of that offence, and can be prosecuted and punished accordingly.

## Duties imposed by the Fire Safety Order

### General fire precautions

Article 8 of the Fire Safety Order requires the responsible person to take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of any of their employees and, as may be reasonably required in the circumstances of the case, that the premises are safe for relevant persons.

Article 4 defines general fire precautions as the measures required:

- to reduce the risk of fire and the risk of the spread of fire on the premises;
- to provide the means of escape from the premises;
- for ensuring that the means of escape can be safely and effectively used at all times;
- for fighting fires on the premises;
- for detecting fire on the premises and giving warning in case of fire on the premises; and
- for action to be taken in the event of fire on the premises, including the instruction and training of employees and the mitigation of the effects of the fire.

### Risk assessment

Article 9 requires the responsible person to make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions they need to take to comply with the requirements and prohibitions imposed on them by or under the Fire Safety Order.

Relevant persons are defined as:

- any person (including the responsible person) who is or may be lawfully on the premises; and
- any person in the immediate vicinity of the premises who is at risk from a fire on the premises.

Any such assessment must be reviewed by the responsible person regularly so as to keep it up to date and particularly if:

- there is reason to suspect that it is no longer valid; or
- there has been a significant change in the matters to which it relates including when the premises, special, technical and organisational measures, or organisation of the work undergo significant changes, extensions, or conversions, and where changes to an assessment are required as a result of any such review, the responsible person must make them.

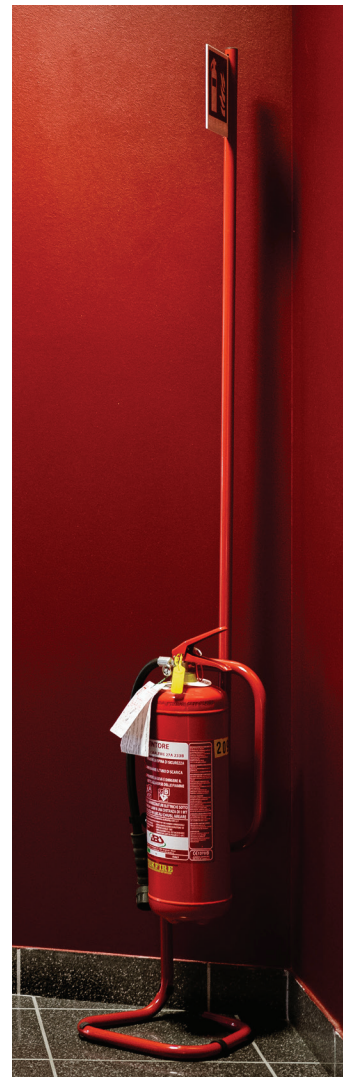
As soon as practicable after the assessment is made or reviewed, the responsible person must make a record of the assessment or review, which must in particular include:

- the findings of the assessment, including the measures which have been or will be taken by the responsible person pursuant to the Fire Safety Order; and
- any group of persons identified by the assessment as being especially at risk.

### Implementing any preventive and protective measures

Article 10 requires the responsible person, when implementing any preventive and protective measures, to do so on the basis of the following principles:

- avoid risks;
- evaluate the risks which cannot be avoided;
- combat the risks at source;
- adapt to technical progress;
- replace the dangerous by the non-dangerous or less dangerous;
- develop a coherent overall prevention policy which covers technology, organisation of work and the influence of factors relating to the working environment;
- give collective protective measures priority over individual protective measures; and
- give appropriate instructions to employees.





## Fire safety arrangements

Article 11 requires the responsible person to make, give effect to and record such arrangements as are appropriate, for the effective:

- planning;
- organisation;
- control;
- monitoring; and
- review of the measures which have been identified in the risk assessment as the general fire precautions needed to be taken to comply with the Order (the preventive and protective measures).

The arrangements must be recorded.

## Duties to safeguard the safety of relevant persons

The responsible person must, where necessary in order to safeguard the safety of relevant persons:

- ensure that the premises are, to the extent that it is appropriate, equipped with appropriate firefighting equipment and with fire detectors and alarms (Article 13);
- ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times (Article 14);
- establish and, where necessary, give effect to appropriate procedures, including safety drills, to be followed in the event of serious and imminent danger to relevant persons (Article 15);
- ensure that the premises and any facilities, equipment and devices provided in respect of the premises under this Order are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair (Article 17);
- appoint one or more competent persons to assist in undertaking preventive and protective measures (Article 18);
- provide their employees with comprehensible and relevant information on the risks to them identified by the risk assessment and the preventive and protective measures and adequate training (Article 19).

## Fire safety assistance

Article 18 of the Fire Safety Order requires the responsible person to appoint one or more competent persons to assist them in undertaking the preventive and protective measures.

As noted before, the 'preventive and protective measures' means the measures which have been identified by the responsible person in consequence of a risk assessment as the general fire precautions they need to take to comply with the requirements and prohibitions imposed on them by or under the Fire Safety Order.

These 'safety assistants' are persons the responsible person appoints to help do things such as:

- advise on the fire safety arrangements;
- manage the fire safety arrangements;
- maintain the fire safety features of the building and fire safety equipment;
- implement fire safety training; or
- prepare the emergency plan.

This of course includes property management organisation, and those engaged within property management organisations that

support them, as well as any contractors that are engaged to plan, manage or monitor the preventive and protective measures.

Article 18(2) and (3) require the responsible person to:

- make arrangements to ensure adequate co-operation between those they appoint to assist them; and
- ensure that the number of persons appointed, the time available for them to fulfil their functions and the means at their disposal are adequate having regard to the size of the premises, the risks to which relevant persons are exposed and the distribution of those risks throughout the premises.

## Competence

Article 18(5) states that a person is to be regarded as competent for the purposes of Article 18 [Fire safety assistance] where they have sufficient training and experience or knowledge and other qualities to enable them properly to assist in undertaking the preventive and protective measures.

More complicated situations will require the competent persons to have a higher level of knowledge and experience.

More complex or highly technical situations will call for specific applied knowledge and skills, which can be offered by appropriately qualified specialists.

A property management organisation that agrees to discharge all, or any, of a responsible person's duties under the Fire Safety Order must have the organisational capability to discharge those duties.

Organisational capability means the policies and systems an organisation has in place to set acceptable health and safety standards which comply with the law, and the resources and people to ensure the standards are delivered.

A property management company with appropriate organisational capability will be able, in relation to the work that they undertake (their undertaking), to:

- demonstrate knowledge and understanding of the:
  - relevant fire safety legislation, fire safety standards and their application;
  - fire safety risks and their management; and
- provide evidence that:
  - their workforce, as a whole, has the necessary skills, knowledge, experience and training to manage fire safety and fire risks in accordance with the relevant legislation and standards; and
  - they have sufficient resource levels to do the work in such a way that will ensure that fire safety and fire risks are appropriately managed and relevant legislation and standards are complied with.

BSI Flex 8670 v3.0:2021-04 Built environment. Core criteria for building safety in competence frameworks. Code of practice<sup>67</sup> provide a set of core principles of competence, including leading and managing safety, communicating safety, delivering safety, risk management, regulations and processes, building systems, ethics, and fire/life safety.

Those managing HRBs will need to meet the requirements of Regulation 4(1)(i), 4(2) and 4(3) of the Higher-Risk Buildings

(Management of Safety Risks etc) (England) Regulations 2023 and be required to meet the competence standards set out in PAS 8673 Built environment. Competence requirements for the management of safety in residential buildings<sup>68</sup>.

### Fire safety adviser

As noted above, the 'safety assistants' required by Article 18 of the FSO include persons to advise on the fire safety arrangements i.e. guidance on the fire safety measures required by the legislation and how they should be implemented.

A responsible person where they do not have sufficient competence to identify the fire safety measures required by the legislation and how they should be implemented, and therefore comply with their statutory duties should appoint a competent person to assist them.

Managing agents should always make their client (the responsible person) aware of their need for competent advice and, where they are not in a position to provide that advice, provide the necessary advice and assistance on the appointment of a suitable person or organisation.

A fire safety adviser should be able to:

- provide advice on the systems that need to be put in place to effectively manage fire safety within company offices and the properties they manage;
- provide property managers with expert advice on fire safety management issues in the properties they manage; and
- challenge the findings of an FRA where either the property manager has concerns or the findings are disputed by the responsible person.

A person is to be regarded as competent for the purposes of Article 18 where they have sufficient training and experience or knowledge and other qualities to enable them to assist in undertaking the preventive and protective measures.

Members or Fellows of the following organisations may make suitable fire advisers:

- The Institute of Fire Safety Managers<sup>30</sup>;
- The Institute of Fire Prevention Officers<sup>31</sup>;
- The Institution of Fire Engineers<sup>32</sup>.

Members of these organisations will all have been assessed by the professional body as having suitable levels of education and experience in fire safety. You will however need to check that the individual you wish to engage has appropriate experience of the long leasehold sector and the types of buildings that you manage.

Fire safety advice may be provided by an external consultancy service or by inhouse staff providing they meet the required competent standards. Anyone providing this service to an RP must be fully familiar with fire safety requirements in blocks of flats.

There is no legal requirement for an organisation's fire safety adviser to come from a different company to the company that undertakes risk assessments. However, delivery of the two roles by separate organisations allows:

- independent advice to be obtained about the scope and frequency of assessments; and

- the findings of risk assessments, where necessary, to be challenged by somebody with appropriate skills, knowledge, experience and behaviours.

### Provision of information to employees

Article 19, Provision of information to employees, requires the responsible person to provide employees with comprehensible and relevant information on the:

- risks to them identified by the fire risk assessment;
- preventive and protective measures;
- procedures, including safety drills, to be followed in the event of serious and imminent danger to relevant persons;
- the identities of those persons nominated to implement the procedures for evacuation of relevant persons from the premises; and
- the risks to relevant persons, notified to them by another responsible person sharing the same building, associated with the conduct by that person of their undertaking (the work that they do).

### Training

Article 21 requires the responsible person to ensure that their employees are provided with adequate fire safety training.

The training must:

- include suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard himself and other relevant persons on the premises;
- be repeated periodically where appropriate;
- be adapted to take account of any new or changed risks to the safety of the employees concerned;
- be provided in a manner appropriate to the risk identified by the risk assessment; and
- take place during working hours.

The fire risk assessment (and subsequent reviews of the assessment) will help determine the level of training and competence needed for each type of work.

All employees, including senior management, should receive relevant training.

This may need to include, among others, basic skills, specific on the job training and training in fire safety or emergency procedures.

The issue of management training is of particular importance for positions of fire safety responsibility.

### Provision of information to residents of domestic premises

Article 21A applies in relation to a building containing two or more sets of domestic premises. It requires the responsible person to give residents of the domestic premises comprehensible and relevant information about the following relevant fire safety matters:

- the risks to residents of the domestic premises identified by the risk assessment;
- the preventive and protective measures;
- the name of the responsible person and an address in the United Kingdom at which the responsible person, or someone acting on their behalf, will accept notices and other documents;

- the identity of any person appointed by the responsible person to assist them with making or reviewing an assessment under Article 9;
- the identity of any persons nominated by the responsible person under Article 13(3)(b);
- any risks of which the responsible person has been informed under Article 22(1)(c);
- any other matters specified in regulations made by the relevant authority.

The responsible person must keep records of the relevant fire safety matters.

### Co-operation and co-ordination between responsible persons

A person who is a responsible person in relation to any premises must take such steps as are reasonably practicable to ascertain whether any other responsible person shares, or has duties in respect of, the premises.

Where two or more responsible persons share or have duties under the Fire Safety Order in respect of premises, Article 22 of the Order requires each such person to:

- inform the other responsible persons concerned of that person's name and an address in the United Kingdom at which that person, or someone acting on their behalf, will accept notices and other documents;
- inform the other responsible persons concerned of the part of the premises for which that person considers themselves to be a responsible person, and keep a record of that information;
- cooperate with the other responsible persons concerned so far as is necessary to enable them to comply with their duties under the Fire Safety Order;
- take all reasonable steps to co-ordinate the measures each responsible person needs to take to comply with the Fire Safety Order; and
- take all reasonable steps to inform the other responsible persons of any risks to relevant persons associated with areas of the building for which they are responsible.

### Provision of information to new responsible person

Article 22A requires, where a person ceases to be a responsible person for premises, that they give the new responsible person any relevant fire safety information.

Relevant fire safety information is:

- records of fire assessments and reviews;
- the identity of any person appointed by the responsible person to assist them with making or reviewing a fire assessment;
- the names of any other responsible person in relation to the premises and the addresses in the United Kingdom at which that person, or someone acting on their behalf, will accept notices and other documents (where known);
- where the premises consist of or include a higher-risk building, the identity of any other person who is an accountable person in relation to the premises (where known); and
- any information given under regulation 38 of the Building Regulations 2010<sup>5</sup> (fire safety information).

A responsible person must keep records of relevant fire safety information.

### Co-operation with accountable persons

Article 22B applies in relation to premises which consist of or include a residential unit in a higher-risk building. It requires the responsible person to take such steps as are reasonably practicable to ascertain whether there are one or more other persons who are accountable persons in relation to the premises and if there are, to co-operate with each accountable person for the purpose of the accountable person carrying out their duties under the Building Safety Act 2022.

### The Fire Safety (England) Regulations 2022

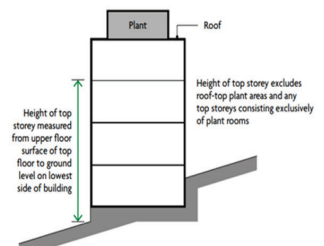
The Fire Safety (England) Regulations 2022<sup>4</sup> were introduced on 18th May 2022 under Article 24 of the Fire Safety Order to implement the majority of the recommendations made to government in the Grenfell Tower Inquiry Phase 1 report and came into force on 23rd January 2023.

### Scope and Definitions

There are duties for all multi-occupied residential buildings with two or more sets of domestic premises, with additional duties for those over 11 m and 18 m (or that have at least seven storeys). The term 'high-rise residential buildings' is defined as:

- being at least 18 m above ground level; or
- having at least seven storeys.

Domestic premises means premises occupied as a private dwelling (including any garden, yard, garage, outhouse, or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling).



The height of a building is to be measured to the height of the upper floor surface of the top storey in accordance with Appendix D to Approved Document B Volume 1<sup>14</sup>.

When determining the number of storeys a building has:

- any storey which is below ground level is to be ignored;
- any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level; and
- a storey is treated as below ground level if any part of the finished surface of the ceiling of the storey is below the ground level immediately adjacent to that part of the building.

### Duties imposed by the Fire Safety (England) Regulations

In 'high-rise residential buildings', responsible persons will be required to:

- provide their local Fire and Rescue Service (FRS) with:
  - up-to-date electronic building floor plans;
  - information about the design and materials of a high-rise building's external wall system and inform the FRS of any material changes to these walls; and
  - information in relation to the level of risk that the design and materials of the external wall structure gives rise to and any mitigating steps taken;

- install and maintain a secure information box in their building which must contain:
  - the name and contact details of the responsible person;
  - hard copies of the building floor plans; and
  - a single-page building plan which identifies key firefighting equipment;
- undertake monthly checks on the operation of:
  - lifts intended for use by firefighters;
  - evacuation lifts; and
  - essential firefighting equipment;
- report any defective lifts or essential firefighting equipment to their local FRS if the fault cannot be fixed within 24 hours, and record the outcome of checks and make them available to residents; and
- install signage visible in low-light or smoky conditions that identifies flat and floor numbers in the stairwells of relevant buildings.

In residential buildings with storeys over 11 m in height, responsible persons will be re-quired to:

- use best endeavours to undertake annual checks of flat entrance doors; and
- undertake quarterly checks of all fire doors in the common parts.

In all multi-occupied residential buildings with two or more sets of domestic premises, responsible persons will be required to:

- provide relevant fire safety instructions to their residents, which will include:
  - instructions on how to report a fire; and
  - any other instruction which sets out what a resident must do once a fire has occurred, based on the evacuation strategy for the building; and
- provide residents with information relating to the importance of fire doors in fire safety.

### The Building Regulations 2010

The Building Regulations 2010<sup>5</sup> impose requirements on people carrying out 'building work' which includes:

- the provision or extension of a controlled service in or in connection with a building
- the material alteration of a building, or a controlled service, where any part of it would at any stage result in the building or controlled service not complying with a relevant requirement where previously it did.

Building work must be carried out so that it complies with the relevant requirements set out in Parts A to P of Schedule 1, and in complying with such requirements there must be no failure to comply with any other such requirements. Relevant requirements for fire safety means any of the following applicable requirements of Schedule 1 and includes:

- paragraph B1 (means of warning and escape);
- paragraph B3 (internal fire spread – structure);
- paragraph B4 (external fire spread); and
- paragraph B5 (access and facilities for the fire service).

Building work includes the installation, alteration or replacement of:

- fire doors, including the front entrance doors to flats;
- fire detection and alarm systems; and
- emergency lighting systems.

### Building Regulations approval

With a few exemptions, which are set out in Schedule 2 of the Building Regulations and do not generally apply to fire safety in multi-occupied residential buildings, 'building work' needs Building Regulations approval.

The responsibility for checking that Building Regulations have been met falls to building control bodies either from the local authority or the private sector as an Approved Inspector. The applicant has the choice of where to get approval for the building work.

An applicant is likely to be:

- the person carrying out the work where a requirement is imposed by the Building Regulations; or
- the owner or developer, or an agent of the owner or developer (e.g. their architect).

From October 2023 amendments to the Building Regulations 2010 created duties on those who commission, design and undertake building work to which Building Regulations apply. Part 2A of the Building Regulations creates the following duty holders and imposes duties on them in relation to compliance with the relevant requirements of the Building Regulations:

- Client
- Principal Designer
- Designers
- Principal Contractor
- Contractors

An applicant does not need to get approval themselves if they use someone registered with a competent person scheme.

Most building work, and certain changes of use involving buildings that are subject to the Building Regulations, will also be subject to the Fire Safety Order once the work is complete and the building is occupied for its intended purpose other than individual dwellings. It is therefore essential that duty holders under the Fire Safety Order ensure that any building work undertaken within areas where they have control is undertaken either by an installer who is registered with a competent person scheme or has Building Regulations approval.

### Competent person schemes

A member of a competent person scheme<sup>38</sup> can self-certify certain types of building work (work to which the Building Regulations 2010 applies). This provides an alternative to submitting an application for Building Regulations approval in relation to the specified work.

Competent person schemes are regulated by the Department for Levelling Up, Housing and Communities (DLUHC). A competent person scheme must be authorised by DLUHC.

In order to become a member of a competent person scheme an organisation or individual will need to demonstrate that they have the knowledge, practical skills and experience to undertake work in a competent person scheme designated in Schedule 3 of the Building Regulations 2010.

The purpose of competent person schemes is to allow approved persons to self-certify the compliance of controlled work in buildings that are subject to the Building Regulations.



This process removes the need to seek approval from building control before work starts.

A person operating under an approved competent person scheme has a duty to comply with all aspects of the Building Regulations, not just the core aspects of the work being undertaken.

An installer who's registered with a scheme can self-certify that their work complies with buildings standards and can deal with building control issues, like objections.

If Building Regulations approval is required, they will obtain approval from the local authority on their client's behalf. They will also provide their client with a certificate within eight weeks of completion which can be used as evidence of compliance. This certificate will also show up in solicitors' searches.

Competent person schemes have insurance-backed warranties and complaints procedures if there is a problem with the work.

The following types of work that may affect fire safety are covered by competent person schemes:

- Installation of gas appliances;
- Installation or replacement of oil-fired boilers or storage tanks;
- Installation of mechanical ventilation systems in dwellings;
- Any electrical installation work in dwellings;
- Replacement of windows and doors (including fire doors) in dwellings; and
- Replacement of roof coverings on pitched and flat roofs.

### Approved Document B

The Government publishes Approved Documents to give practical guidance about how to meet the requirements of the Building Regulations 2010 for England.

Although Approved Documents cover common building situations, compliance with the guidance set out in the Approved Documents does not provide a guarantee of compliance with the requirements of the regulations because the Approved Documents cannot cater for all circumstances, variations and innovations.

There are also other ways to comply with the requirements on Schedule 1, other than the methods described in an Approved Document, such as compliance with a relevant British Standard.

Purpose-built blocks of flats are usually designed in accordance with:

- Approved Document B volume 1<sup>14</sup>; or
- BS 9991:2015 Fire safety in the design, management and use of residential buildings. Code of practice<sup>59</sup>.

Fire engineering principals can apply to support alternative solutions where strict adherence to the codes may conflict with wider aspirations for the scheme through the application of BS 7974:2019 Application of fire safety engineering principles to the design of buildings parts 1–7<sup>50</sup>.

Details of the code being used and any variations from code compliance should be documented in a building fire strategy, where it has been documented.

The Building Regulations 2010 and the Approved Document do not apply retrospectively but will apply when undertaking building work.

### Regulation 38

The Building Regulations require the 'person carrying out the work' to provide the responsible person with fire safety information no later than the date of completion of the work, or the date of occupation of the building or extension, whichever is the earlier.

The duty applies where building work:

- consists of or includes the erection or extension of a relevant building; or
- is carried out in connection with a relevant change of use of a building.

A relevant building is a building to which the Fire Safety Order applies, or will apply after the completion of building work, and includes the following parts of a building that contains two or more sets of domestic premises:

- the building's structure;
- external walls including any doors or windows in those walls and anything attached to the exterior of the walls (including balconies); and
- any common parts including all doors between the domestic premises and common parts.

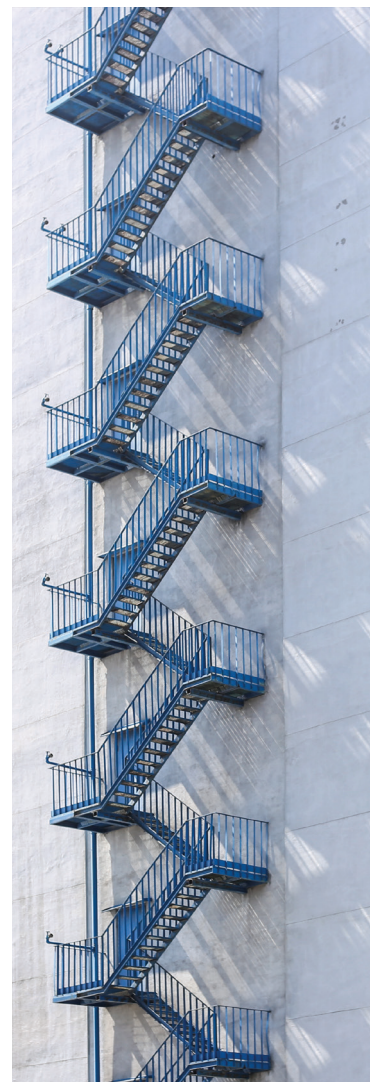
Fire safety information is defined in the Building Regulations as 'information relating to the design and construction of the building or extension, and the services, fittings and equipment provided in or in connection with the building or extension which will assist the responsible person to operate and maintain the building or extension with reasonable safety.

The aim of the fire safety information is to ensure that the responsible person has sufficient information relating to fire safety to enable them to manage the building effectively and, in particular, enable them to:

- understand and implement the fire safety strategy of the building;
- maintain any fire safety system provided in the building; and
- carry out an effective FRA of the building.

Approved Document B, Volume 1, Dwellings 2019 edition incorporating 2020 and 2022 amendments, Section 17 Fire safety information sets out in detail what is expected.

The Building Control Body should not give a completion certificate (in the case of a local authority) or final certificate (in the case of an Approved Inspector) unless it has written confirmation from the applicant that the appropriate information required by Regulation 38 has been provided to the responsible person.



### Completion certificates

When building work is complete and a final inspection has been carried out, the local authority will, within a specified period, issue a completion certificate to the applicant, where it is satisfied, after taking all reasonable steps, that the building complies with the relevant provisions of the Building Regulations. A completion certificate is evidence, but not conclusive evidence, that the Building Regulations have been complied with.

### Final certificate

When a final inspection has been carried out and the building works are completed, the Approved Inspector will within a specified period of time issue a final certificate to the client and local authority indicating that the Approved Inspector is satisfied that the applicant has complied with the Building Regulations for the work referred to in the initial notice. A final certificate is evidence, but not conclusive evidence, that the Building Regulations have been complied with.

### The Housing Act 2004

The Housing Act 2004<sup>6</sup> and the Regulatory Reform (Fire Safety) Order 2005<sup>3</sup> offer different mechanisms to address the risk of fire in a building.

The Fire Safety Order is focused on the management of fire risks in the building as a whole and the risk to residents from a fire in the building but not within their individual dwelling.

The Housing Act 2004 is primarily focused on the risk to residents from fire in individual dwellings and their associated escape routes together with a reduction of the risk in the building as a whole.

The different legislative powers can be used in isolation or as part of a co-ordinated approach to holistically addressing safety concerns.

How enforcement is intended to work is set out in the Local Government Association's guidance Principles for effective regulation of fire safety in flats<sup>77</sup>.

### Commercial residential premises

The Housing Act 2004 does not apply to commercial residential premises, such as serviced apartments and short-term lets, and can only be utilised in relation to 'dwellings' which are used or are intended to be used for residential purposes.

It may be used where some parts of the premises are occupied as residential dwellings but powers and actions would be restricted to those flats and the common parts.

Local authority enforcement powers under the Housing Act

Local authorities have powers under the Housing Act 2004 to calculate the seriousness of certain hazards and take enforcement action against building owners or landlords based on their assessment.

The Housing Act contains a requirement that the local authorities keep under review the conditions of residential buildings in their area. Authorities are able to check the condition of residential

buildings by conducting assessments under the Housing Health and Safety Rating System (HHSRS).

The Housing Act gives local authorities powers to intervene where they consider housing conditions to be unacceptable, on the basis of the impacts of hazards on the health and safety of the most vulnerable potential occupant.

The Housing Act puts authorities under a general duty to take appropriate action in relation to a Category 1 hazard. Where they have a general duty to act, they must take the most appropriate of the following courses of action:

- Serve an improvement notice in accordance with Section 11;
- Serve a prohibition notice in accordance with Section 20;
- Serve a hazard awareness notice in accordance with Section 28;
- Take emergency remedial action under Section 40 or make an emergency prohibition order under Section 43.

In extreme situations where a building or buildings are unfit premises beyond repair at reasonable cost, authorities can:

- Make a demolition order under Section 265 of the Housing Act 1965 as amended;
- Declare a clearance area by virtue of Section 289 of the Housing Act 1985 as amended.

Authorities have similar powers to deal with Category 2 hazards; however, they cannot make a demolition order or declare a clearance area.

If a hazard is a serious and immediate risk to a person's health and safety, it is a Category 1 hazard. If a hazard is less serious or less urgent, it is a Category 2 hazard.

Detailed explanations of each of these options and how they should be used are set out in HHSRS enforcement guidance: housing conditions<sup>76</sup>.

### Housing Health and Safety Rating System (HHSRS)

The HHSRS is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings.

It was introduced under the Housing Act 2004 and applies to residential properties in England and Wales.

This assessment method focuses on the hazards that are present at all types and tenures of residential accommodation.

Category 24 of the HHSRS covers threats from exposure to uncontrolled fire and associated smoke at a dwelling. The assessment will include both the likelihood of a fire starting and, once started, how likely it is the fire will go undetected and spread. The severity of harm suffered will depend on how quickly a fire can spread, and how soon it is detected and occupiers made aware of it. The means of escape is particularly relevant to the spread of harm. If the means of escape allows quick and easy exit from the accommodation, then there will probably be less harm. For dwelling in multi-occupied buildings, the assessment is made for each individual dwelling. This means that different ratings can be expected for dwelling in the same building depending on the location of the dwelling unit in the building.

Guidance for local housing authorities under the Housing Act 2004 is contained in the (HHSRS) operating guidance: housing inspections and assessment of hazards<sup>75</sup>.

Guidance for landlords and property professionals is provided in HHSRS: guidance for landlords and property-related professionals<sup>73</sup>.

### Landlord and Tenant Act 1985 Section 20

The law requires that leaseholders paying variable service charges must be consulted before a landlord carries out qualifying works or enters into a long-term agreement for the provision of services.

Detailed regulations have been produced under Section 20 of the Landlord and Tenant Act 1985 (as amended by S151 of the Commonhold and Leasehold Reform Act 2002) which set out the precise procedures landlords must follow; these are the Service Charges (Consultation Requirements) (England) Regulations 2003 ('the Regulations'). Similar regulations have been enacted in Wales.

The requirements in the Regulations are defined under three headings:

- Qualifying works;
- Qualifying long-term agreements; and
- Qualifying works under long-term agreements.

#### Qualifying works

Qualifying works are 'works on a building or any other premises' – that is, works of repair, maintenance or improvement. The inclusion of improvement in the definition of qualifying works does NOT allow a landlord to recover costs for improvements unless a liability for costs of improvements is included in the lease. When calculating the estimated cost, VAT on works must be included.

Landlords must consult if these works will cost over £250 for any one contributing leaseholder. Thus, in a property with unequal service charge contributions, the landlord must consult all leaseholders if any one of them would have to pay more than £250. If consultation is not undertaken, the landlord may not be able to recover costs over £250 per leaseholder.

#### Qualifying long-term agreements

A qualifying long-term agreement is an agreement entered into by the landlord with a wholly independent organisation or contractor for a period of more than 12 months.

(Agreements before 31st October 2003 are exempt.) The deciding factor is the mini-mum length of the commitment. In other words, it is an agreement for a term which must exceed 12 months.

Landlords must consult where the amount payable by any one contributing leaseholder under the agreement in any accounting period exceeds £100. Thus, in a property with unequal service charges, the landlord must consult all leaseholders if any one of them would have to pay more than £100 in any one year. The figure is to be calculated on the basis of the leaseholder's total contribution resulting from the agreement, including VAT. If consultation is not undertaken, the landlord may not be able to recover more than £100 per leaseholder in any accounting period towards the costs under the agreement.

#### Qualifying works under long-term agreements

Where the long-term agreement includes provision for the carrying out of works to the property (for example, a schedule of rates agreement for general maintenance), and these works will result in a charge to any one leaseholder of more than £250, then a separate consultation must be carried out under the provisions of Schedule 3. The original consultation under Schedule 1 in respect of the agreement itself does not provide any exemption from consultation for the works.

This requirement for consultation for works equally applies in cases of long-term agreements entered into prior to 31st October 2003 where at the time no consultation on the agreement was required.

Application of Section 20 on work required under fire safety legislation S20 procedures apply to work required under the Fire Safety Order and other fire safety legislation, carried out by RMCs, RTMs or other landlords/freeholders. The procedure is prescribed in detailed regulations issued by the government. Failure to follow the procedure can result in penalties.

## PART 2 – FIRE RISK ASSESSMENT

### Fire risk assessments

The FSO requires a responsible person to make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions they need to take to comply with the requirements and prohibitions imposed on them by or under the FSO.

Where a building contains two or more sets of domestic premises, the FRA also needs to consider:

- the building's structure and external walls including:
  - doors or windows in external walls; and
  - anything attached to the exterior of external walls (including balconies);
- any common parts; and
- all doors between the domestic premises and common parts.

The responsibility to arrange for the FRA to be undertaken, and to action its findings where required, lies with the responsible person.

Where two or more responsible persons share, or have duties in respect of, premises they must take all reasonable steps to co-ordinate their assessment of the risk by:

- commissioning one FRA on behalf of all responsible persons; and
- where this is not practicable, each responsible person:
  - sharing the findings of their FRA with all other responsible persons; and
  - updating their own risk assessment to consider relevant information introduced in the FRAs provided by the other responsible persons.

As soon as practicable after the assessment is made or reviewed, the responsible person must record the following prescribed information:

- the findings of the assessment, including the measures which have been or will be taken by the responsible person pursuant to the FSO; and
- any group of persons identified by the assessment as being especially at risk.

The responsible person must not employ a young person unless they have, in relation to risks to young persons, made or reviewed a fire assessment.

If the blocks of flats have no FRA, or where the FRA is out of date or otherwise deemed to be unsuitable, a managing agent should advise their client/the responsible person to have an FRA carried out at once.

Where a managing agent's service-level agreement requires them to manage fire safety on behalf of the client and/or engage a company to undertake an FRA or similar relevant requirement and authorisation to do so is refused, they should consider resigning.

Completion and review of the FRA is a statutory duty under the Fire Safety Order, and advising the responsible person that one is needed may not alone provide a managing agent with sufficient defence if the matter is investigated by the fire service and goes to the courts for jurisdiction.

Resignation should of course be a last resort and then only once a managing agent has exhausted all avenues to persuade the responsible person to take the appropriate action.

### Article 50 guidance

Article 50 of the Fire Safety Order requires the Secretary of State to ensure that such guidance, as they consider appropriate, is available to assist responsible persons in the discharge of the duties imposed by Articles 8 to 22B and by regulations made under Article 24.

The Fire Safety Act amends Article 50 to allow:

- proof of a failure to comply with any applicable guidance as tending to establish that there was such a contravention of Articles 8 to 22B and by regulations made under Article 24; and
- proof of compliance with any applicable guidance as tending to establish that there was no such contravention.

Guidance is defined in the amended Article 50 as guidance about how a person who is subject to the duties mentioned there in relation to more than one set of premises is to prioritise the discharge of those duties in respect of the different premises by reference to risk.

The Fire Safety Act Commencement Prioritisation Guidance<sup>8</sup> was issued by the Secretary of State in May 2022, in accordance with Article 50, and is intended to be used by responsible persons, or anyone who has, to any extent, control of buildings with two or more sets of domestic premises, to enable them to comply with their duties under the Fire Safety Order, further to the amendments made by the Fire Safety Act 2021.

This guidance is provided to support responsible persons to develop a strategy to prioritise their buildings to update their FRAs to include external walls. There is no legal requirement to follow this guidance. However, a court can consider whether a responsible person has complied (or not) with their duties under the Fire Safety Order by following this guidance.

### Appointing fire risk assessors

No matter who carries out an FRA, responsible persons retain responsibility for ensuring that the assessment fulfils the requirements of the law.

To demonstrate that both they and the responsible person have taken reasonable steps to comply with their duties, managing agents must, when they have agreed to commission an FRA on behalf of a responsible person, perform reasonable checks to ensure that those who undertake the assessment are competent to do the work properly.

The NFCC has published guidance on FRAs<sup>18</sup>. The guidance provides details of the steps and precautions that can be taken to help verify the competence and suitability of a prospective FRA.

The NFCC guidance provides a link to the Fire Sector Federation's [FSF] Approved Code of Practice [CoP] for Fire Risk Assessor Competency<sup>27</sup>. This ACoP was developed by a working group established under a joint fire and construction industry initiative following the Grenfell Tower fire of 14th June 2017. The CoP states that accredited third-party certification is judged to be essential for fire risk assessors, particularly those working on high-risk buildings.



The British Standards Institute is current in the process of drafting BS8674 Built environment – Framework for competence of individual fire risk assessors –

Specification which is programmed for publication in late 2024 / early 2025. The FSF ACOP, on which BS8674 is based will be withdrawn as soon as the new standard is published.

Competence of fire risk assessors can be assured by either certification of the individual fire risk assessor or through a company providing FRAs under a third-party certification scheme accredited by the UK Accreditation Service (UKAS)<sup>34</sup>, or by registration of the fire risk assessor by a Professional Engineering Institution<sup>35</sup> that is licensed by the Engineering Council (EngC)<sup>36</sup>.

Details of UKAS-accredited and/or professional body registers can be found in Appendix 1 of the Fire Sector Federation's A Guide to Choosing a Competent Fire Risk Assessor<sup>28</sup>.

When appointing fire risk assessors, dutyholders are advised to:

- follow the guidance on selecting a suitable fire risk assessor given by the NFCC in their guidance on FRAs; and
- ensure that the competence of risk assessors has been assured by third-party certification as set out in the Fire Sector Federation's CoP.

### Specifying the scope of a risk assessment

It is essential, when procuring an FRA, that dutyholders:

- agree the scope of the risk assessment with the responsible person; and
- provide a written copy of the scope to those who are being requested to quote.

The scope:

- must include the name and contact detail(s) of the responsible person(s) on whose behalf the assessment is being instructed;
- should, where the risk assessment is being instructed by a managing agent on behalf of the responsible person(s), include details of what fire safety management functions the managing agent has agreed within their management agreement to undertake on behalf of the responsible person(s) and any limits on their authority such as spending limits;
- must list all parts of the property that fall within the scope of the Fire Safety Order and under the control of the named responsible person(s) that must be considered in the assessment;
- must set out the type of assessment required (a Type 1 assessment is advised unless available information about the building or known risks dictates that a more detailed assessments is required); and
- should make it a specific requirement that the assessor:
  - assesses the available information and the building to determine whether they have sufficient information to understand the fire strategy (see the TPI guidance for a definition) for the building;
  - ensures that the evacuation strategy is referenced or documented;
  - where they can identify the fire strategy, ensures that the fire strategy is referenced or documented;

- considers the requirements of recent or forthcoming fire safety legislation and/ or government and FRS guidance that applies or will apply to the property, and advises on actions that are or will be required to comply with the legislation and guidance;
- advises on whether a more detailed risk assessment (Types 2 to 4 or specialist assessment of a key risk such as cladding or compartmentation) is required to satisfy the requirement to make 'a suitable and sufficient assessment of the risks to which relevant persons are exposed' or comply with recent or forthcoming fire safety legislation and/or government and FRS services guidance;
- includes within the assessment a time-bound action plan for any actions that are required to comply with the requirements of current legislation;
- agrees the timeframes for any actions with the responsible person before completing the assessment report;
- includes a detailed list of any areas or parts of the building excluded from the assessment; and
- includes within the assessment record details about the responsible person(s) and, where appropriate, details of the managing agent who instructed the assessment.

It is important that the fire risk assessor understands what fire safety management functions the managing agent has agreed within their management agreement to undertake on behalf of the responsible person(s) and any limits on their authority such as spending limits. Including such information within the FRA report may assist FRS authorities to correctly identify the limits of a managing agent's duties and responsibilities when taking action, particularly when they are limited by the management agreement, and ensure that any enforcement action is taken against the correct parties.

The legal duty is for the responsible person to make 'a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions they need to take to comply with the requirements and prohibitions imposed on them by or under this Order.'

Relevant persons are:

- any person who is or may be lawfully on the premises; and
- any person in the immediate vicinity of the premises who is at risk from a fire on the premises.

The FRA must consider the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions that need to be taken to comply with the requirements and prohibitions imposed by or under the FSO that are associated with:

- the building's structure and external walls including:
  - doors or windows in external walls; and
  - anything attached to the exterior of external walls (including balconies);
- the common parts and all elements of the structure which protect the common parts including all doors between the domestic premises and common parts irrespective of who they are demised to;
- elements of the structure which provide or protect the means of escape;
- measures for fighting and where appropriate detecting fire; and
- arrangements for action to be taken in the event of fire on the premises.

There are, in principle, four different types of FRA that can be carried out for a purpose-built block of flats. They differ in the extent to which the building is inspected.

Details of the different types of assessment can be found in Annex B of this GN.

It is essential when instructing any type of FRA that you are clear about the scope of the assessment and the responsible person's expected outcomes.

You should, wherever possible, specify the type of assessment required.

### Types of assessment

PAS 79-2:2020 Fire risk assessment Part 2: Housing – Code of practice<sup>39</sup> provides some detailed descriptions of the varying degrees of invasiveness and detail required for FRAs, as follows:

#### Type 1 – Common parts only (non-destructive)

A Type 1 FRA is the basic FRA required for the purpose of satisfying the Fire Safety Order.

The inspection of the building is non-intrusive, but, as well as considering the arrangements for means of escape, etc., the fire risk assessment includes examination of, at least, a sample of flat entrance doors. This is necessary because the flat entrance doors are part of the common parts that fall within the scope of the Fire Safety Order (it is common custom and practice for fire risk assessors to endeavour to check around 10% of flat entrance doors, with a minimum of two doors, though this is not always possible).

For a full description of a Type 1 assessment please see PAS 79-2.

#### Type 2 – Common parts only (destructive)

The scope and objectives of a Type 2 FRA are generally similar to those of a Type 1 FRA, except that there is a degree of destructive inspection carried out on a sampling basis. (In effect, it is only this intrusive inspection work that distinguishes a Type 2 fire risk assessment from a Type 1 fire risk assessment.) This will usually necessitate the presence of a contractor for the purpose of opening up construction and making good after the inspection.

In order to check the integrity of separating constructions, the areas in which intrusive inspection is carried out might sometimes include a sample of flats. However, because of the nature of the work, this can often only be carried out in vacant flats.

A Type 2 FRA is usually a one-off exercise that is carried out only if there is good reason to suspect serious structural deficiencies that could lead to the spread of fire beyond the flat of fire origin. The age of the block alone is not generally sufficient to warrant a Type 2 inspection. The need for a Type 2 FRA may sometimes be identified in a Type 1 FRA, but should not simply be recommended as a matter of course.

For a full description of a Type 2 assessment please see PAS 79-2.

#### Type 3 – Common parts and flats (non-destructive)

A Type 3 FRA includes the work involved in a Type 1 FRA, but goes beyond the scope of the Fire Safety Order (though not the scope of the Housing Act). This FRA considers the arrangements for fire precautions, such as means of escape and fire detection (i.e. smoke alarms) within at least a sample of the flats. Within the flats, the inspection is non-destructive, but the fire resistance of doors to rooms is considered.

Measures to prevent fire, such as maintenance of the electrical and heating installations, are not considered unless the measures are within the control of, for example, the landlord.

A Type 3 FRA may sometimes be appropriate for rented flats if there is reason to suspect serious risk to residents in the event of a fire in their flats. This might be, for example, because of the age of the block or reason for suspicion of widespread, unauthorised material alterations.

For a full description of a Type 3 assessment please see PAS 79-2.

#### Type 4 – Common parts and flats (destructive)

A Type 4 FRA has the same scope of work as a Type 3 FRA, except that there is a degree of destructive inspection, in both the common parts and the flats, carried out on a sampling basis. This will usually necessitate the presence of a contractor for the purpose of opening up constructions and making good after the inspection. However, the nature of the work is such that, often, intrusive inspection within flats can only be carried out in those that are vacant.

This is the most comprehensive FRA, but it will only be appropriate in limited circumstances, such as when a new landlord takes over a block of flats in which the history of works carried out is unknown and there is reason to suspect serious risk to residents from both a fire in their own flats and a fire in neighbours' flats.

Within the flats, as well as considering the safety of residents in the event of a fire in their own flat, consideration is given to the potential for fire to spread internally from that flat to other flats. Routes to consider are riser shafts running within the flats, bathroom and kitchen extract ducts (though these also need to be considered, to some degree, within a Type 1 fire risk assessment), drainage pipework and penetrations for other services, such as gas or electricity.

Note: Before destructive inspection is to be carried out, the risk of disturbing asbestos should be considered (see TPI Guidance Note B03 Asbestos Management).

For a full description of a Type 4 assessment please see PAS 79-2.

### FRA Standards

Although it will normally be the fire risk assessor that will determine the FRA methodology, when instructing an FRA, dutyholders should ensure that the methodology follows an acceptable standard. Current best practice is set out in PAS 79-2 – Fire Risk Assessment. Housing. Code of practice<sup>39</sup>.

When conducting a Fire Risk Appraisal of the External Wall (FRAEW), current best practice is set out in PAS 9980:2022 – Fire risk appraisal and assessment of external wall construction and cladding of existing blocks of flats – Code of practice<sup>57</sup>.

A FRAEW, when required, is part of the overall FRA for a building. It should inform the assessment of risk and any required remedial action. It should also form part of the documented risk assessment.

### Provision of information to assessors

It is essential that dutyholders provides a risk assessor with any information they may require to undertake the assessment. Information will include:

- the names of all responsible persons\* and the areas of the premises that they are responsible for;
- details of what, in relation to fire safety management, they have, as managing agent, agreed in their management agreement to do on behalf of the responsible person(s);
- details of number and types of occupants in the premises;
- a copy of the previous FRA;
- details of any fires that have occurred since the last assessment;
- details of any enforcement action or alterations notices issued by a fire enforcement authority;
- details of any building work undertaken since the last inspection to which the Building Regulations apply along with any completion certificates;
- the evacuation procedures and any emergency plans;
- any arrangements that are in place for the safety of those who are unable to self-evacuate who may be present in the premises in the event of an emergency;
- the fire safety information required in accordance with Regulation 38 of the Building Regulations, including:
  - the as-built fire strategy;
  - plans detailing compartmentation and other passive fire safety measures;
  - installation information, commissioning and maintenance, inspection and test requirements for the active fire systems;
  - details of any active fire safety measures; and
  - details of fire detection provided/installed in flats;
- copies of any external wall surveys including completed EWS1 Forms for the premises;
- evidence of inspection, testing and maintenance of:
  - installed fire safety and smoke control systems (see section covering testing and maintenance for a list of systems that need to be inspected, tested and maintained);
  - fixed electrical systems;
  - portable electrical equipment;
  - gas appliances and fittings; and
  - lightning protection installations;
- the arrangements for action to be taken in the event of fire on the premises, including details of any:
  - instruction and training of employees; and
  - measures taken to mitigate the effects of the fire;
- the arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures;
- any other policies and procedures in place such as smoking, arson prevention, business continuity, visitors' signing-in book and fire action plans;

- the access arrangement to flats to facilitate inspection of the flat front doors; and
- where relevant, dangerous substances and explosive atmosphere regulations [DSEAR] assessments.

\* Where parts of the building to which the FSO applies, such as flat front doors and balconies, are demised to leaseholders, this should be communicated to the risk assessor and recorded in the risk assessment noted; however, it is perhaps not necessary to name each leaseholder.

Purpose-built blocks of flats are usually designed in accordance with Approved Document B Volume 114 or BS 9991:2015<sup>59</sup>.

Fire engineering principles can apply to support alternative solutions where strict adherence to the codes may conflict with wider aspirations for the scheme through the application of BS 7974:2019<sup>50</sup> Parts 1 to 7. Details of the code being used and any variations from code compliance should be documented in the fire strategy.

It is therefore essential that the person employed to undertake an FRA is in possession of the fire strategy for the building and is familiar with the fire safety design standards used to design the building.

Where duty holders do not have relevant information, it is essential that they try to obtain it this.

Where the information cannot be found or does not exist, it may be necessary to commission a competent person with the necessary professional indemnity insurance to undertake the necessary investigations and prepare the required information.

### Managing agents' responsibilities in relation to FRAs

When instructing an FRA, managing agents must make the fire risk assessor aware, ideally in writing, either in the scope or their instruction to the assessor, of what, in relation to fire safety management, they have agreed in their management agreement to do on behalf of the responsible person(s).

Managing agents should inform the person completing the risk assessment:

- who the responsible person(s) is or are; and
- the limits of their responsibilities, as set out in their management agreement, for management in accordance with the Fire Safety Order.

Where managing agents have agreed to undertake duties in relation to fire safety management, instructing risk assessments, managing the risk assessment process or implementing any risk control actions identified in the risk assessment, it is essential that they undertake their duties effectively and in accordance with the requirements of the Fire Safety Order.

Where the scope of a managing agent's management agreement only commits them to, for example, commissioning an FRA, it is essential that they make the client aware of the limitations of their agreement and any actions their client will need to undertake to discharge their duties under the Fire Safety Order.

### Instructing more detailed assessments

A risk assessor should notify the responsible person, on whose authority they were instructed, where they believe, after having visited the premises and/or studied the available information, that the type of assessment instructed is not adequate to allow them to make a suitable and sufficient assessment of the risks.

The need for a more detailed assessment is usually required where the fire risk assessor, for example:

- was unable to identify the fire strategy for the building and therefore unable to determine whether all parts of the strategy (compartmentation, smoke extraction, etc.) were in place and effective;
- understood the fire strategy but without further investigation was unable to determine whether all parts of the strategy (compartmentation, smoke extraction, etc.) were in place and effective; and
- was unable to determine, without further investigation, whether components of the building, such as cladding or compartmentation, presented an unacceptable risk.

### Reviewing a risk assessment

A risk assessment is usually a subjective process, and its findings will be based on the opinion and information available to the assessor at the time it is made. It is important that any actions and recommendations made in the assessment, or in relation to the type of FRA required, are fully understood by the responsible person and, where they have contractual responsibilities in relation to the assessment, the managing agent.

There is no reason why the views of a fire risk assessor should not be challenged, and issues should in all cases be discussed, where required, in order to ensure that you have a full understanding of what is required or being recommended.

### Periodic review of FRAs

The responsible person must review the assessment regularly to keep it up to date, particularly if there is reason to suspect that it is no longer valid, or there has been a significant change to the structure, layout or use of the building, or the organisations involved in the management of fire safety or the fire safety arrangements change significantly. The frequency of review should be specified, by the risk assessor, as part of the FRA process.

Government guidance indicates that the frequency of review should take into account the rate with which changes, including those arising from the need for maintenance work, are likely to occur, and the risk to people that might arise from those changes. This means that a less frequent review may be acceptable if there is close management control of the common parts, including frequent routine inspections.

Best practice default is commonly annual review of fire risk assessments. However, as a general guide, for a low-risk, modern, low-rise block (e.g. a block of no more than three storeys above ground, built within the last 20 years), a review every two years might be sufficient, with a new fire risk assessment completed every four years. For blocks with higher risk, arising from social factors, the age of the building, etc., and blocks over four storeys in height, an annual

review might be more appropriate, with a new fire risk assessment every three years. In extreme cases, for the highest-risk premises, an annual fire risk assessment might be appropriate. However, it is not intended that these suggested frequencies are applied prescriptively, as they are not intended to be hard and fast 'rules'.

### Reviewing frequencies of FRAs

The responsible person and other dutyholders should in consultation with the competent source of advice or the fire risk assessor, review the buildings in their portfolio against the guidance given in the Home Office's Fire safety in purpose-built blocks of flats<sup>12</sup> to determine whether the current frequency is appropriate.

Where significant risks, such as those associated with different types of cladding and non-compliant flat front doors, have been highlighted in government or FRS guidance and duty holders know, or believe, that they may affect a particular property, then the duty holders must take this into account when setting the date of the next review. The frequency of review may increase depending on changing risk factors, such as implementation of interim measures which must be factored into the FRA.

### Fire risk action plans

As part of the FRA, a fire risk action plan should be produced that advises about the necessary changes to the fire safety arrangements for the block, should any be required. This should include the priority rating and timescales for completion of any recommended actions by the responsible person.

The fire risk action plan should be reviewed with the responsible person and any timescales for actions must be achievable. Where any action cannot be delivered in the timeframe that the fire risk assessor believes is necessary to mitigate the risk, because, for example, of the need to follow the statutory processes set out in the lease, an interim course of action should also be specified.

Those persons that are affected by the FRA should be made aware of its significant findings. In the simplest of blocks of flats, a standard fire safety notice may suffice, but otherwise a bespoke plan will be required that should be a working document.

A responsible person, and dutyholders working on their behalf must ensure that the action plan is implemented in accordance with the agreed timetable. Where there are likely to be a significant deviation from the agreed timetable, the responsible person should review the action plan with the fire risk assessor so that they can consider whether an interim course of action should also be specified.

### Collection of funds for FRAs or fire risk control actions

Where an FRA indicates that an action is required either to enable the assessor to undertake a compliant risk assessment, to implement a requirement of current fire safety legislation or to remove or reduce a risk, a lease will normally support the collection of funds to be able to take the required action.



## PART 3 – FIRE SAFETY MANAGEMENT

### Fire strategies

There are three elements to a building's overall fire strategy:

- the fire design strategy [the fire strategy];
- the evacuation strategy; and
- the fire risk management strategy.

The first two relate to a building. The last relates to the organisation or organisations that are managing the building.

This guidance focuses on the fire strategy and the evacuation strategy and how they work together. It is written in relation to English fire safety legislation but the principles it sets out are equally applicable in other jurisdictions.

The fire strategy should not change unless you reconfigure the building. The evacuation strategy may need to change temporarily if:

- the built features of the fire strategy have degraded or altered to the point they will no longer support the evacuation strategy; or
- the building was not built in accordance with the fire strategy or to the appropriate standards and will not support the evacuation strategy.

The fire risk management strategy defines the organisation's fire risk management system and method of implementing its fire safety policy and in relation to a building will change each time the organisations managing a building change. A fire risk management strategy may be developed for an organisation operating from a single premises, or for an organisation with a multi-site portfolio.

### The fire strategy

For a building to be considered safe under the FSO and to allow fires to be fought, certain features need to be in place ('the required features').

In this document the fire strategy is these features and their integration.

There will be a fire strategy for every building; since 1965 the designer will have had a strategy for complying with the Building Regulations<sup>5</sup>, and this will have been approved by building control. Before that date it will have had to comply with local byelaws. Even if this was not written down and labelled a 'fire strategy' or similar, the fire strategy for the building will be a fundamental part of the design. At its simplest, it is a strategy for complying with the Building Regulations or current byelaws as applied at that time.

Buildings, for many years, have been designed to meet fire safety standards. All new and altered or converted buildings must be designed and constructed in accordance with the relevant fire safety requirements, which are, for projects that started after 1st October 2010, set out in Part B of Schedule 1 of the Building Regulations 2010.

Where blocks of flats were constructed before 1965, the need to comply with the requirements of the FSO, or other earlier fire safety legislation, may have resulted in significant changes to

the original fire strategy. These changes can include additional compartmentation around means of escape and the installation of fire alarms.

### The history of building regulations

In 1666, the Rebuilding of London Act was passed in response to the Great Fire of London. It determined that street widths, as well as the heights of houses, were regulated and brick construction was prescribed. Timber-framed buildings were forbidden and projections or jetties over the streets were prohibited because they allowed fire to leap from house to house.

The Fires Prevention (Metropolis) Act 1774 was passed to consolidate earlier fire safety legislation and to regulate the design and construction of new buildings in London.

The Public Health Act 1936 required local authorities outside of London to make local building byelaws to ensure adequate means of escape from blocks of flats over two storeys and with a floor over 20 ft above ground level.

Until 1948 when British Standard Code of Practice, CP3 Code of Basic Data for the De-sign of Buildings was published, none of the legislation provided specific detailed requirements for the design of measures. Chapter IV of CP3 set out the functional requirements for 'Precautions against Fire' in 'Houses and flats of not more than two storeys'. The introduction to the code notes that 'houses and flats with a basement or roof space which is used as habitable accommodation are not within the scope of the recommendations in this chapter but will be covered in the full chapter for all classes of buildings'.

The Public Health Act 1936 was amended by the Public Health Act 1961 to permit the making of one set of national Building Regulations.

In 1962, British Standard Code of Practice CP3 IV Part 1 was published which covered 'flats and maisonettes (in blocks over two storeys)'. It was CP3 IV Part 1 that first introduced the Stay Put strategy, although it was noted in the guidance that 'the possibility that individuals may seek to leave the building cannot be overlooked and provision should therefore be made for the occupant of any dwelling to do so by his own unaided efforts, using adequately protected escape routes within the building without outside assistance.' Because, as the document notes, 'there is no reason for a substantially different Code of Practice applying to buildings below 24 m (approximately 80 ft) in height, compared with those above 24 m (approximately 80 ft) in height'. CP3 IV Part 1 applied to all flats and maisonettes above the first floor in blocks of any height.

The first set of national building standards was introduced in the Building Regulations 1965. This was a set of prescriptive standards that had to be followed. Part E of the regulations covered structural fire precautions. The design requirements that supported the Stay Put principle were set out in paragraph 5 of Part E5 Fire Resistance.

CP3 IV Part 1 was revised in 1971.

The Building Act 1984 brought fundamental changes to the Building Regulations regime. It introduced:

- functional performance standards, set in terms of what was adequate, reasonable or appropriate, supported by statutory guidance in the Approved Documents;

- competition into the building control sector through the addition of private sector Approved Inspectors.

Buildings have therefore, for many years, been designed to meet fire safety standards.

### Required features

The functional requirements are set out for:

- design and construction, in Part B of Schedule 1 of the Building Regulations 2010;
- occupation, in Article 4 of the FSO general fire precautions.

The required features will vary depending on:

- the evacuation strategy selected in the design;
- the design code selected by the designers;
- the design choices made by the designers.

### Fire design standards

Non-residential buildings are usually designed in accordance with:

- British Standard Code of Practice, CP3 Code of Basic Data for the Design of Buildings;
- Approved Document B Volume 2: Buildings other than dwellings; or
- BS 9999:2017 – Fire safety in the design, management and use of buildings – Code of practice (under review).

Residential buildings are usually designed in accordance with

- British Standard Code of Practice, CP3 Code of Basic Data for the Design of Buildings;
- Approved Document B volume 1: Dwellings (including blocks of flats); or
- BS 9991:2015 – Fire safety in the design, management and use of residential buildings – Code of practice (under review).

Fire engineering principles can apply to support alternative solutions where strict adherence to the codes may conflict with wider aspirations for the scheme through the application of BS 7974:2019<sup>47</sup> Parts 1 to 7.

Details of the code that has been used and any variations from code compliance should be documented in the fire strategy.

All buildings to which the Regulatory Reform (Fire Safety) Order 2005 applies must comply with the requirements of the Order including taking measures:

- to reduce the risk of fire on the premises and the risk of the spread of fire on the premises;
- in relation to the means of escape from the premises;
- for securing that, at all material times, the means of escape can be safely and effectively used;
- in relation to the means for fighting fires on the premises;
- in relation to the means for detecting fire on the premises and giving warning in case of fire on the premises; and
- in relation to the arrangements for action to be taken in the event of fire on the premises, including measures to mitigate the effects of the fire.

### Legal standards

The legal standards in the table below set out the 'functional requirements' of the law. It compares the requirements of the current Building Regulations 2010 and the general fire pre-cautions set out in the Fire Safety Order.

These high-level 'functional requirements' are supplemented by the design code selected by the designers and used to establish the required features that, together, make up the fire strategy for the building.

Building Regulations – Schedule 1 Part B	FSO Article 4 – General fire precautions
	Measures to reduce the risk of fire on the premises.
<p><b>B2.</b> (1) To inhibit the spread of fire within the building, the internal linings shall:</p> <ul style="list-style-type: none"> <li>(a) adequately resist the spread of flame over their surfaces; and</li> <li>(b) release or a rate of fire growth, which is have, if ignited, either a rate of heat reasonable in the circumstances.</li> </ul> <p><b>B3.</b> (1) The building shall be designed and constructed so that, in the event of fire, its stability will be maintained for a reasonable period.</p> <p>(2) A wall common to two or more buildings shall be designed and constructed so that it adequately resists the spread of fire between those buildings.</p> <p>(3) Where reasonably necessary to inhibit the spread of fire within the building, measures shall be taken, to an extent appropriate to the size and intended use of the building, comprising either or both of the following:</p> <ul style="list-style-type: none"> <li>(a) sub-division of the building with fire-resisting construction;</li> <li>(b) installation of suitable automatic fire suppression systems</li> </ul> <p>(4) The building shall be designed and constructed so that the unseen spread of fire and smoke within concealed spaces in its structure and fabric is inhibited.</p> <p><b>B4.</b> (1) The external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building</p>	Measures to reduce the risk of the spread of fire on the premises.
<p><b>B1.</b> The building shall be designed and constructed so that there are ... appropriate means of escape in case of fire from the building to a place of safety outside the building capable of being safely and effectively used at all material times.</p>	Measures in relation to the means of escape from the premises.
	Measures for securing that, at all material times, the means of escape can be safely and effectively used.
<p><b>B5.</b> (1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.</p> <p>(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.</p>	Measures in relation to the means for fighting fires on the premises.
<p><b>B1.</b> The building shall be designed and constructed so that there are appropriate provisions for the early warning of fire.</p>	Measures in relation to the means for detecting fire on the premises and giving warning in case of fire on the premises.

The required features include, where relevant:

- an external envelope that prevents the spread of fire from one level or compartment to the next, and from one building to another;
- a structure that is protected from or resistant to fire to the extent necessary to prevent a collapse;
- internal compartmentation to support a Stay Put policy, to protect the means of escape, to provide firefighting lobbies, etc.;
- fire doors, fire curtains, etc.;
- a fire and smoke detection system to trigger an alarm or other fire safety devices;
- a standalone alarm system or one triggered by automatic detection;
- wet or dry firefighting mains;
- fire suppression systems including sprinklers and watermist systems;
- smoke control systems;
- emergency lighting and generators;
- firefighting and fire evacuation lifts; and
- fire appliance access routes.

### Standards in occupation

The Grenfell inquiry has however proved that there is no guarantee that the approved fire strategy was compliant or that the construction was to the approved design.

The requirements of the FSO come into force once the building work is complete. The Building Regulations define what is suitable. The FSO requires compliance even where the building has not been designed or built to conform to the Building Regulations.

Where the fire strategy developed by the designers was not compliant, or the required features were not put in place to the appropriate standards, as part of the design and construction process, Article 8 of the FSO (which is the duty to take general fire precautions) requires the responsible person to:

- take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of any of his employees; and
- in relation to relevant persons who are not his employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.

In this context, relevant persons are any person who is or may be lawfully on the premises; and any person in the immediate vicinity of the premises who is at risk from a fire on the premises, such as residents, contractors, etc.

In taking action to ensure that a building meets with the requirements of Article 8 of the FSO, the current Building Regulations, and a relevant standard, will need to be used to specify any remedial work. The work itself will be subject to the building control approval process. Compliance with Article 8 of the FSO and compliance with the Building Regulations are therefore inextricably linked.

### The need for understanding the fire strategy

During the occupation of a building:

- FSO Article 8, Duty to take general fire precautions, requires:
  - such general fire precautions to be taken as will ensure, so far as is reasonably practicable, the safety of any of his employees;

and

- in relation to relevant persons, such general fire precautions to be taken as may reasonably be required in the circumstances of the case to ensure that the premises are safe.
- FSO Article 17, Maintenance, requires that any facilities, equipment and devices provided in respect of the premises under the FSO are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

To be able to do this you need to:

- identify what required features are, or need to be, in place to ensure that the building is considered safe under the FSO and to allow fires to be fought;
- validate and evidence that the required features are in place;
- implement, in accordance with Article 17, a suitable system of maintenance to ensure that the features are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

### Reviewing, updating or compiling a fire strategy

A fire strategy should explain the nature, function and capabilities of the fire precautions that have been designed and constructed into the building and provide details of:

- the legislative basis for the design and the standards that have been used;
- all assumptions in the design of the fire safety features such as:
  - fire load;
  - any risk assessments, risk analysis or risk profile;
  - escape distances;
  - the type of use; and
  - the volume of persons using any floor, escape route or emergency exit;
- all assumptions in the design of the fire safety arrangements regarding the fire safety management of the building, including emergency procedures;
- the evacuation strategy, escape routes, final exits and fire assembly points;
- all passive fire safety measures, e.g. compartmentation, fire stopping, cavity barriers, fire doors, duct dampers and fire shutters and signage;
- the fire resistance of and fire protection to the structure;
- any fire and smoke detection systems and how they interact with other systems such as smoke control and ventilation systems;
- any emergency lighting or emergency power supply installed;
- the firefighting measures including hydrants, any dry or wet risers and first aid and other firefighting equipment;
- exterior facilities for fire and rescue services;
- details of all active fire safety measures, such as sprinkler systems and smoke control systems;
- information about any elements of the fabric and services that may adversely affect the general fire precautions in a fire, such as internal wall and ceiling linings, roof coverings, rooflights and other thermoplastic materials and external wall cladding;
- information on the requirements of the fire safety equipment including operational details, manuals, software, routine testing, and inspection and maintenance schedules; and
- provisions incorporated into the building to facilitate the evacuation of people with disabilities and other potentially vulnerable people.



While strategies must be proportionate to the risk, they must always contain sufficient information to:

- allow the responsible person to demonstrate that the general fire precautions:
  - will ensure, so far as is reasonably practicable, the safety of their employees (if they have any); and
  - are sufficient to make the premises safe for relevant persons
- implement a suitable system of maintenance to ensure that the facilities, equipment and devices provided in respect of the premises under the FSO are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

### Should a fire strategy be written down

#### New, altered and extended buildings

Since 1st October 2010, Regulation 38 of the Building Regulations (which covers fire safety information) has required that when a building being constructed, altered, or ex-tended will fall within the scope of the FSO, the person carrying out the work gives fire safety information to the responsible person.

Fire safety information in this context is information relating to the design and construction of the building or extension, together with the services, fittings and equipment provided in or in connection with the building or extension which will assist the responsible person to operate and maintain the building or extension with reasonable safety.

The aim of the fire safety information is to ensure that the responsible person has sufficient information relating to fire safety to enable them to manage the building effectively and, in particular, enable them to:

- understand and implement the fire safety strategy of the building;
- maintain any fire safety system provided in the building; and
- carry out an effective fire risk assessment of the building.

Approved Document B14, Volume 1 Dwellings 2019 edition incorporating 2020 and 2022 amendments, Section 17 Fire safety information sets out in detail what is expected.

Since 1st October 2010, Article 22A (5) has required a responsible person to keep records of the relevant fire safety information including any information given under Regulation 38 of the Building Regulations 2010 (fire safety information).

#### Existing buildings

A responsible person cannot manage a building if they do not understand the fire strategy for the building because:

- they cannot demonstrate that the general fire precautions:
  - will ensure, so far as is reasonably practicable, the safety of their employees (if they have any); and
  - are sufficient to make the premises safe for relevant persons
- they will find it hard to implement a suitable system of maintenance to ensure that the facilities, equipment and devices provided in respect of the premises under the FSO are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

#### Documenting a fire strategy

Documenting a fire strategy provides assurance, evidence and resilience.

Article 6 of the FSO article requires the responsible person to, as soon as practicable after a fire risk assessment is made or reviewed, record the following prescribed information:

- the findings of the assessment, including the measures which have been or will be taken by the responsible person pursuant to this Order; and
- any group of persons identified by the assessment as being especially at risk.

The measures which must be taken by the responsible person to comply with the FSO include the general fire precautions. The general fire precautions include the features set out in the fire strategy. Where the conditions set out in Article 6 apply, the responsible person must record and, where necessary, update the fire strategy.

A fire risk assessor cannot undertake a suitable fire risk assessment if they do not understand the engineered fire strategy for the building. A fire risk assessor cannot assess risks when they do not understand the strategy those risks are being assessed against.

Therefore, even where the conditions set out in Article 6 do not apply, it would be best practice, in all cases, to keep a record of the fire strategy, because it provides evidence of compliance with the general fire precautions, and without evidence of the fire strategy it will be impossible for a fire risk assessor to review the fire risk assessment.

It is important to record what you know, or have discovered, even if you do not yet fully understand the entire fire strategy.

Where you have a record of the fire strategy, or information about the fire strategy, that supports the fire risk assessment, such information could be considered the relevant fire safety information that FSO Article 22A (5) has required, since 1st October 2023, the responsible person to keep records of.

When looking for the original engineered fire strategy, the local authority building control department, where they were the building control authority for the building, may have access to documents that formed part of the building control submission.

You will need to consider the terms of the leases for the building to be satisfied that the costs are recoverable via the service charge mechanism. Additionally, you will need to consider Section 19 of the Landlord and Tenant Act 1985 which protects leaseholders from paying for costs which have not been reasonably incurred. If in doubt as to the recoverability of costs associated with identifying and recording the fire strategy, then you should take professional advice.

#### Provision of information to new responsible person

Article 22A of the Fire Safety Order, which was inserted by Section 156 of the Building Safety Act 2022 and came into force on 1st October 2023, requires, where a person ceases to be a responsible person for premises, they give the new responsible person any relevant fire safety information held by the outgoing person.

Relevant fire safety information means:

- (a) records kept under Article 9(6) of assessments and reviews under Article 9;
- (b) the identity of any person appointed by the responsible person to assist them with making or reviewing an assessment under Article 9;
- (c) the name of any other person who is a responsible person in relation to the premises and an address in the United Kingdom at which that person, or someone acting on their behalf, will accept notices and other documents (where known);
- (d) where the premises consist of or include a higher-risk building, the identity of any other person who is an accountable person in relation to the premises (where known);
- (e) any information given under Regulation 38 of the Building Regulations 2010 (S.I. 2010/2214) (fire safety information);
- (f) any other matters specified in regulations made by the relevant authority.

### Evacuation strategies

Although emergency evacuation is the immediate and urgent movement of people away from the threat or actual occurrence of a fire, not all evacuation strategies require all people in the building to immediately evacuate from the building. The primary objective of an evacuation strategy is to make sure, in the event of a fire, the occupants of a building are safe and can, if necessary, reach a place of ultimate safety outside the building. Evacuation procedures are an essential part of the overall fire strategy.

All buildings are designed to support a particular type of fire strategy or fire strategies. The default strategy in purpose-built blocks of flats will be a Stay Put policy.

#### The Stay Put philosophy

The Stay Put philosophy has underpinned fire safety design of flats since before the 1960s, when national standards were first drafted. This principle is still used to design blocks of flats today; in the majority of existing blocks, it remains entirely valid.

The Stay Put philosophy is based on the design principle that an apartment is a box that is suitably constructed that it will hold back the effects of heat and flame for 60 minutes. It is this principle that ensures that only the residents of the flat of fire origin need to escape initially, while other residents may remain in their own flats unless their flat is affected by fire or smoke, they feel threatened or they are instructed to leave by the fire and rescue service [FRS]. A Stay Put strategy does not preclude residents, who are aware of a fire within the building but not affected directly by it, from deciding to evacuate.

In a building designed to support a Stay Put policy there is usually no need for a common fire alarm except where there are communal spaces such as lounges and laundries in the common parts where an alarm is required. This alarm will be separate from any other devices that may be fitted within apartments. Alarm systems consisting of mains powered fire alarms or single point detectors are also required within flats.

Blocks of flats designed to support the Stay Put principle are subject to the following common design principles:

- each flat is formed within its own fire-resisting enclosure with a high degree (60 minutes) of compartmentation between each flat, and between flats and the common parts of the block;
- there is a low probability of fire and smoke spread beyond the flat of a fire's origin; and
- there is a low fire risk in common areas due to precautionary management.

Providing the Stay Put design principles are in place and the fire risk assessment has confirmed that all other necessary fire precautions are in place to support the Stay Put policy, then the following fire safety measures may be appropriate:

- residents in the flat that is originally affected by the fire should evacuate and immediately call the fire service – other residents are safe to stay in their flats without the need for immediate evacuation;
- there is usually\* no requirement for fire alarms in common areas;
- there is no requirement for fire extinguishers in common parts except for plant and service rooms; and
- emergency lighting, in accordance with BS 5266 Emergency lighting. Code of practice for the emergency lighting of premises is required in common parts, stairs and corridors, and plant and service rooms.

\* There are a number of circumstances when fire detectors and alarms are required in common areas. The circumstances are explained in detail later in this guidance in the section covering Fire Detection and Alarm Systems.

#### Simultaneous evacuation

Simultaneous evacuation is a procedure in which all parts of a building are evacuated in the event of fire at one time. A building designed to support simultaneous evacuation requires a common fire and smoke alarm system, designed in accordance with the recommendations of BS 5839-1:2017, to be installed. The sound level of such a system must be capable of being heard in all areas of the building, with a sound pressure level of 75dB at each bedhead.

#### Phased evacuation

Phased evacuation is a strategy in which the people immediately affected by the fire are evacuated first, followed in phases by those likely to be affected next. Where phased evacuation is employed it is common for the means of escape not to have sufficient capacity for the total population to evacuate simultaneously, such as in a building height greater than 30m.

The design of buildings incorporating phased evacuation is such that many safety facilities have been provided so as to enable people to remain in the building for longer periods than would normally be encountered.

The fire alarm system will be designed to give two distinctly different signals (warning and evacuation) or give appropriate voice messages.

Phased evacuation will normally be managed by a competent person on behalf of the responsible person in conjunction, upon the arrival of the fire and rescue services, with the Incident Commander, although the initial phase of the evacuation will occur automatically on the sounding of the fire alarm.

### Progressive evacuation

Progressive evacuation is the process of evacuating people, through fire-resisting construction, into an adjoining fire compartment or refuge area, free from the effects of fire or smoke, from where they can later evacuate further if required. Progressive evacuation is commonly employed where it is desirable or necessary for the building occupants not to leave the building entirely, such as hospital patients, where the occupants may need assistance to evacuate further, such as mobility-impaired people who may not be able to use stairs, or where a significant operational loss would be incurred by the total and immediate evacuation of a large building, such as a large shopping centre, for a small fire.

The fire alarm system will be designed to give two distinctly different signals (warning and evacuation) or give appropriate voice messages.

Progressive evacuation will normally be managed by a competent person on behalf of the responsible person in conjunction, upon the arrival of the fire and rescue services, with the Incident Commander, although the initial phase of the evacuation will occur automatically on the sounding of the fire alarm.

### Two-staged alarm evacuation

In a two-staged alarm evacuation strategy staff are alerted to a potential fire before the general population, so that they may investigate the fire or prepare for a stewarded evacuation and, if necessary, cancel the alarm or escalate to the evacuation stage. Usually, the main alarm will sound if staff confirm the presence of fire by activation of manual call points (MCP) if additional detectors are activated or after a predetermined time elapses without the alarm being cancelled. Two-staged alarm evacuation is commonly employed where there is a high-density awake and unfamiliar population, and a stewarded evacuation is desirable to avoid panic and disorder. Two-staged alarm evacuation strategies can minimise Unwanted Fire Signals (fire alarm false alarms) that result in the Fire and Rescue services being called out unnecessarily.

### Variations

The strategies detailed above are not mutually exclusive and may be used in combination, for example: progressive evacuation to refuge areas followed by phased evacuation of the refuge areas to a place of ultimate safety.

### Fire risk management strategy

Current fire safety legislation includes both:

- general duties to:
  - take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of any employees; and
  - in relation to relevant persons who are not employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe, and
- specific duties in relation to the effective planning, organisation, control, monitoring and review of the measures required to ensure compliance with the legislation.

The specific duties include requirements to assess risk, have suitable arrangements (and write them if they are employers that have five or more employees), appoint competent persons to assist with the required measures, inspect and maintain the fire safety features and train employees.

The fire risk management strategy defines the organisation's fire risk management system and method of implementing its fire safety policy and needs to address:

- fire risk assessment;
- resources and authority;
- fire safety training;
- control of work on site;
- maintenance and testing;
- communication; and
- emergency planning.

The fire risk management strategy is a key element of planning in the plan, do, check, act model.

### Fire safety information

#### The Fire Safety (England) Regulations 2022

The Fire Safety (England) Regulations 2022 imposes a number of duties on responsible persons in relation to the preparation and maintenance of records.

In high-rise residential buildings, responsible persons are required to:

- prepare, and revise if there are any significant changes to the external walls, a record of the design of the external walls of the building, including details of the materials from which they are constructed; the record must include details of the level of risk identified in the FRA that the design and materials of the external walls give rise to and any mitigating steps that have been taken in respect of that risk;
- prepare a plan for each floor of the high-rise residential building\* that together identify the location of all lifts and identify if the lift is one for use by firefighters or an evacuation lift, and the key firefighting equipment in the whole building;
- prepare a single-page building plan identifying:
  - the environs of the building;
  - details of the use of the building, for example for commercial or residential purposes;
  - access for fire and rescue appliances;
  - the dimensions of the building;
  - information on the number of storeys of the building and the number of basement levels (if any);
  - information regarding the presence of maisonettes or scissor-section flats;
  - inlets for dry-rising mains;
  - inlets for wet-rising mains;
  - the location of shut-off controls for any sprinklers;
  - access points for the building;
  - the location of the secure information box;
  - the location of the controls for any smoke control system;
  - the location of any firefighting shaft;
  - the location of main stairways in the building;
  - the location of the controls for any evacuation alert system.

- update the floor plans and building plan as soon as reasonably practicable after any change to the layout of the building or location of key firefighting equipment; and
- provide the local FRS by electronic means with the documents set out above.

\* A plan will need to be prepared for each floor, but where floors are identical, only one plan needs to be produced.

The government have published guidance to support the requirement to record the design of the external walls of the building. Each fire and rescue service has their own template and process for sharing the information. Duty holders are advised to contact the relevant FRS or visit their website for details of their process.

Plans should be a reasonably accurate reflection of each floor of the building and must clearly indicate to firefighters which floor(s) it relates to and show the location of the firefighting equipment set out in the regulations.

Examples of plans are included in the Code of Practice for the Provision of Premises Information Boxes in Residential Buildings<sup>23</sup> (pp. 22–29).

### The Building Regulations

The Building Regulations require the 'person carrying out the work' to provide the responsible person with fire safety information no later than the date of completion of the work, or the date of occupation of the building or extension, whichever is the earlier. The duty applies where building work:

- consists of or includes the erection or extension of a relevant building; or
- is carried out in connection with a relevant change of use of a building.

A relevant building is a building to which the Fire Safety Order applies, or will apply after the completion of building work, and includes the following parts of a building that contains two or more sets of domestic premises:

- the building's structure;
- external walls including any doors or windows in those walls and anything attached to the exterior of the walls (including balconies); and
- any common parts including all doors between the domestic premises and common parts.

Fire safety information is defined in the Building Regulations as 'information relating to the design and construction of the building or extension, and the services, fittings and equipment provided in or in connection with the building or extension which will assist the responsible person to operate and maintain the building or extension with reasonable safety.'

The aim of the fire safety information is to ensure that the responsible person has sufficient information relating to fire safety to enable them to manage the building effectively and, in particular, enable them to:

- understand and implement the fire safety strategy of the building;
- maintain any fire safety system provided in the building; and
- carry out an effective FRA of the building.

Approved Document B, Volume 1, Dwellings 2019 edition incorporating 2020 and 2022 amendments, Section 17 Fire safety information sets out in detail what is expected.

### Construction (Design and Management) Regulations

Regulation 4(5) of the Construction (Design and Management) Regulations [CDM regulations] requires the client to ensure that the principal designer under the regulations prepares a health and safety file for the project.

The health and safety file must contain information relating to the project that is likely to be needed during any subsequent project to ensure the health and safety of any person. At the end of any project to which the CDM regulations apply, the principal designer, or where there is no principal designer the principal contractor, must pass the health and safety file to the client.

L153, the HSE's guidance to the CDM regulations, states the following:

The file must contain information about the current project likely to be needed to ensure health and safety during any subsequent work, such as maintenance, cleaning, refurbishment or demolition. When preparing the health and safety file, information on the following should be considered for inclusion:

- a brief description of the work carried out;
- any hazards that have not been eliminated through the design and construction processes, and how they have been addressed (e.g. surveys or other information concerning asbestos or contaminated land);
- structural principles (e.g. bracing, sources of substantial stored energy – including pre- or post-tensioned members) and safe working loads for floors and roofs;
- hazardous materials used (e.g. lead paints and special coatings); information regarding the removal or dismantling of installed plant and equipment (e.g. any special arrangements for lifting such equipment);
- health and safety information about equipment provided for cleaning or maintaining the structure; the nature, location and markings of significant services, including underground cables; gas supply equipment;
- firefighting services etc.; information and as-built drawings of the building, its plant and equipment (e.g. the means of safe access to and from service voids and fire doors).

If a client disposes of their interest in a property, they must hand over the health and safety file for the property to the person who acquires the property, ensuring that they are aware of the nature and purpose of the file.

### Reviewing information

Prior to taking control of a new property or prior to completion of any work on the property to which either the Building Regulations or the CDM regulations apply, the responsible person should ensure that the information provided is sufficient and satisfactory to enable them to manage the building in accordance with all current fire safety legislation.



## Fire safety arrangements

### Legal requirements

Article 11 of the Fire Safety Order requires the responsible person to draw up, implement and record arrangements as appropriate for the effective planning, organisation, control, monitoring and review of the preventive and protective measures which have been identified by the risk assessment as the general fire precautions they need to take to comply with the requirements and prohibitions imposed on them by or under the Order.

The arrangements will range from something very simple to a safety management system.

These arrangements will typically also relate to measures required by other articles in the Fire Safety Order, such as those for the appointment of competent persons to assist the responsible person, maintaining the premises and any facilities, equipment and devices (organisation and control) and the need to review the risk assessment (monitoring).

The purpose is to ensure effective management control of the fire safety arrangements in the premises.

The arrangements must be appropriate for the complexity of the fire safety systems in the property and the hazards and risks that are present.

Arrangements should:

- detail responsibilities for both compliance with the Fire Safety Order and implementing the arrangements;
- set out the standards of competence and training required by those with duties and responsibilities under the Fire Safety Order for the effective planning, organisation, control, monitoring and review of the preventive and protective measures;
- detail the maintenance, test and inspection requirements for preventive measures including:
  - arson prevention;
  - gas safety;
  - electrical safety;
  - build-up of rubbish;
  - lightning protection;
  - compartmentation;
  - fire-resisting doorsets in the common parts and at the entrances of individual domestic premises;
  - fire stopping; and
  - cavity barriers;
- detail the maintenance, test and inspection requirements for protective measures including:
  - means of escape;
  - fire detection and fire alarm systems;
  - evacuation alert systems;
  - automatic fire suppression (sprinklers, misting systems, etc.);
  - lifts for use by firefighters;
  - dry-rising mains and their inlets and outlets;
  - wet-rising mains and their inlets and outlets;
  - smoke control systems;
  - gas cut-offs/utility isolation points;
  - fire protection to service shafts and risers;
  - emergency lighting;

- automatic door release mechanisms linked to fire alarm systems;
- refuge call systems; and
- evacuation lifts;
- include planned and preventive maintenance and inspection programmes;
- include the arrangements with leaseholders made under Article 17(2) of the Fire Safety Order to ensure that preventive or protective measures that are demised to the leaseholder, or can only be accessed by entering areas demised to the leaseholder, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair;
- include evacuation plans which include arrangements for those who have self-identified as being unable to self-evacuate;
- include resident engagement programmes including communication on preventive and protective measures that residents should implement and evacuation plans;
- include contractor competence assessment systems and programmes;
- detail the hot work procedures; and
- include details for the management, monitoring and review of:
  - preventive and protective measures which have been identified by the risk assessment as the general fire precautions that need to be taken to comply with the requirements and prohibitions imposed on them by or under the Order;
  - fire safety information provided in accordance with the requirements of Regulation 38 of the Building Regulations;
  - fire safety maintenance, test and inspection records (although there is no expressed requirement to record the results of routine inspection, it would be good practice to keep records that allow the responsible person to evidence that testing has taken place);
  - duty holder competence and training records;
  - contractor competence records;
  - hot work management records; and
  - the fire safety arrangements.

Although it is not a requirement of the Fire Safety Order, it is best practice to have documented arrangements for:

- engaging competent fire risk assessors;
- commissioning FRAs; and
- monitoring and reviewing fire risk assessors and FRA standards.

### Ownership

The duty to have suitable arrangements sits with the responsible person.

Responsible persons must ensure that their arrangements are communicated to any third party organizations and individuals that they engage including their managing agents.

Where a managing agent has agreed to manage fire safety and/or any of the preventive and protective measures, they must obtain a copy of the responsible person's fire safety arrangements and ensure that any action they take is undertaken in accordance with the arrangements.

Where the responsible person has no arrangements, the managing agent should make them aware of the requirements to have arrangements in place and ensure that these suitable arrangements are prepared by the responsible person, or where their management agreement requires, by them on behalf of the responsible person.

Where a managing agent has agreed in the management agreement to provide advice on fire safety management or the requirements of fire safety legislation, they must ensure that the responsible person is given suitable advice on their duties to have suitable fire safety arrangements and the required contents of the arrangements.

The fire safety arrangements and any records belong to the responsible person. Where a managing agent manages fire safety for, or on behalf of, a responsible person, they must ensure that any records are passed to the responsible person upon completion of their contract.

### Safety management systems

A safety management system is a formal management system or overall framework that can help manage fire safety risks. Higher-risk buildings that fall within the scope of the Building Safety Act will be required to have a safety management system to manage building safety risks.

The Health and Safety Executive's (HSE) model for safety management systems is based on the Plan, Do, Check, Act approach:

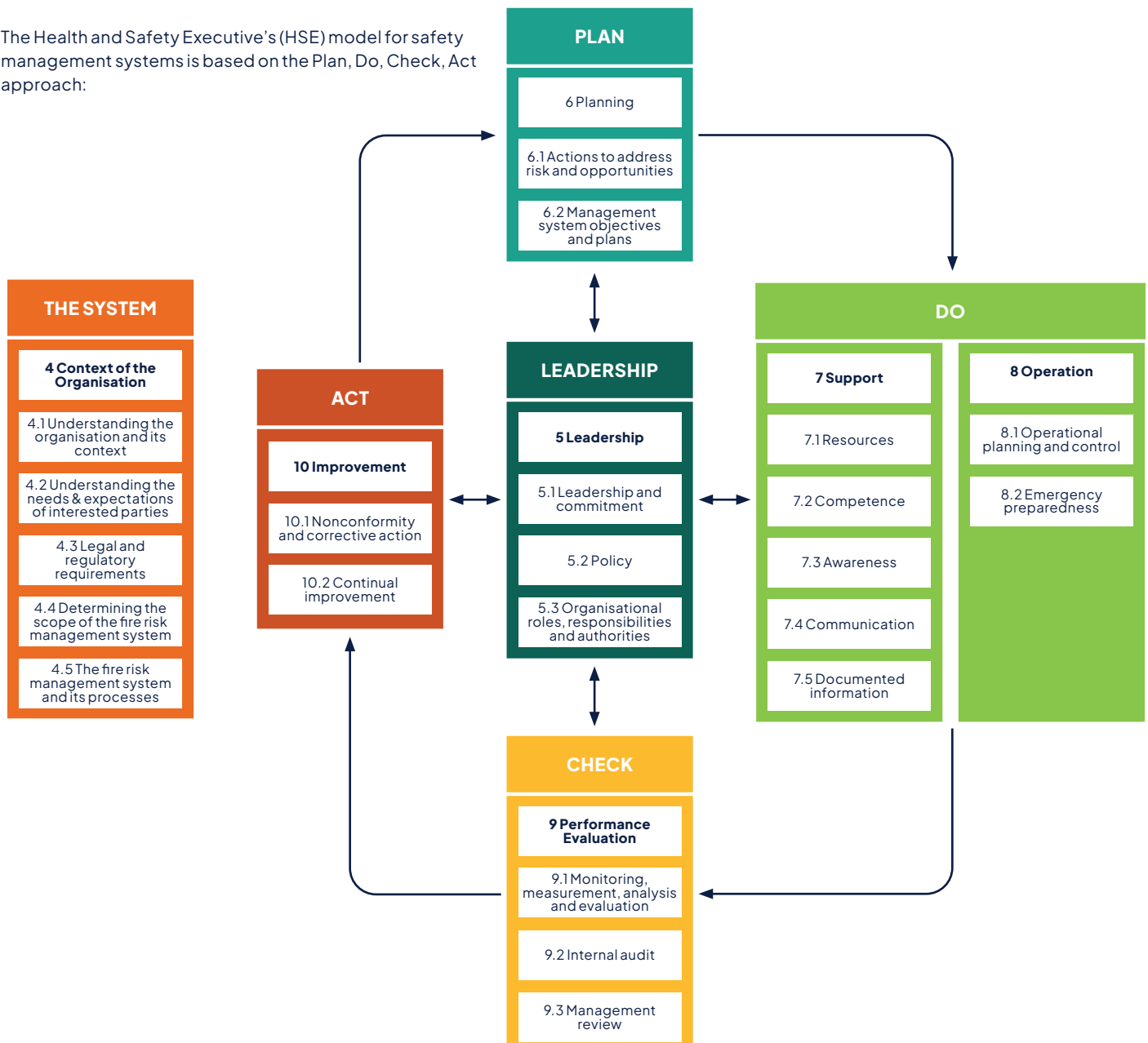
<b>Plan</b>	Determine your policy/Plan for implementation
<b>Do</b>	Profile risks/Implement your plan
<b>Check</b>	Measure performance
<b>Act</b>	Review performance/Act on lessons learned

Document produced as part of any system should be functional and concise to be effective.

Good fire safety arrangements should always follow the Plan, Do, Check, Act approach. Further information on the approach can be found in Managing for Health and Safety (HSG65).

Duty holders that are looking to implement a fire safety management system to a recognised standard, should consider BS 9997:2019 Fire risk management systems – Requirements with guidance for use<sup>60</sup>.

The diagram on the next page shows a typical management system. The numbers are the clause numbers in BS 9997:2019.



## PART 4 – MANAGING FIRE RISKS

### Emergency routes and exits

In order to safeguard the safety of relevant persons, the responsible person must ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times.

It must be possible for persons to evacuate the premises as quickly and as safely as possible.

The number, distribution and dimensions of emergency routes and exits provided during the design and construction are to be suitable for the occupation type of the building, the size of the premises and the maximum number of persons who may be present.

Emergency doors must not be locked or fastened in a way that means they cannot be easily and immediately operated using a single action by any person.

Emergency routes and exits must be indicated by signs.

Emergency routes and exits requiring illumination must be provided with emergency lighting of adequate intensity in the case of failure of normal lighting.

### Fire detection and alarm systems

#### Detection and alarms in common parts

In 'general needs' blocks designed to support a Stay Put policy, it is unnecessary and undesirable for a common areas fire alarm system to be provided. A common areas fire detection and alarm system will inevitably lead to a proliferation of false alarms. This will impose a burden on FRSs and lead to residents ignoring warnings of genuine fires.

Although a fire may occur in the common parts of the building, the materials and construction used should prevent the spread beyond the immediate vicinity. However, it is essential that common parts remain free from combustible materials and ignition sources at all times.

There are some cases where communal spaces, such as residents' lounges, recreation rooms and laundries, exist and where additional measures, such as a communal fire alarm system, are required.

Depending on the engineering of the building, smoke detection may also be provided in order to operate automatically opening vents and smoke clearance ventilation to clear smoke from common areas.

Fire alarms may be installed to support a temporary change to a Simultaneous Evacuation strategy in response to the risk of rapid fire spread from combustible external wall systems and/or other serious building defects.

It is important, where a fire alarm or detection system is installed, that duty holders seek advice from a competent person to verify its purpose and, where necessary, compatibility with the building's evacuation strategy.

#### Evacuation Alert Systems

Evacuation Alert Systems (EAS), to be used by the FRS in the event of emergencies in apartment blocks, may be installed in buildings with a Stay Put evacuation strategy.

When required, EAS should be installed in accordance with BS 8629 – Code of practice for the design, installation, commissioning and maintenance of evacuation alert systems for use by FRSs in buildings containing flats<sup>54</sup>. Duty holders should consult with the local FRS before installing an EAS.

#### Unwanted fire signals

Over many years, the FRS have been working with partners to reduce the number of unwanted fire signals (UwFS), more commonly known as false alarms, that are generated from premises protected by automatic fire detection and fire alarm (AFA) systems.

UwFS erode users' confidence in the value and reliability of AFA systems and discourage people from taking these systems seriously and acting appropriately when they hear an alarm.

When UwFS trigger calls to the FRS, it diverts essential services from emergencies, putting life and property at risk.

The NFCC have published Guidance for the Reduction of False Alarms and Unwanted Fire Signals<sup>22</sup>. The guidance calls for responsible persons to:

- ensure that AFAs are designed, installed, commissioned, managed and maintained in accordance with British Standards, to minimise the potential for false alarms;
- establish a level of co-operation with installers, maintainers and, where appointed, monitoring companies, to support the minimisation of false alarms;
- have effective procedures in place so that fire alarm evacuation is managed appropriately to minimise UwFS and ensure, so far as is reasonably practicable, that a call being passed to the FRS is a fire event; and
- consider the appointment of third-party certifying professionals as necessary to support comprehensive management of AFA systems.

#### Detection and alarms in flats

Flats constructed in accordance with the requirements of the 2006 edition of Approved Document B Volume 215 (hereafter the ADB) will have been fitted with a system incorporating one or more interlinked mains-powered smoke and heat alarms. Each alarm will have its own integral standby supply and will be interlinked by wire or radio.

Smoke alarms will normally be positioned in the circulation spaces between sleeping spaces and places where fires are most likely to start, such as kitchens and living rooms, to pick up smoke in the early stages.

Where the kitchen area is not separated from the circulation space by a door, there should be a compatible heat detector or heat alarm in the kitchen in addition to what-ever smoke alarms are needed in the circulation space.

Smoke detectors should not be fixed in bathrooms, showers or cooking areas where steam, condensation or fumes could give rise to false alarms.

Leaseholders should ensure that the system is maintained and, when required, detector heads replaced in accordance with the manufacturer's instructions.

In flats constructed before the requirements of the 2006 ADB, leaseholders should be encouraged to install smoke and heat detectors within their flats to ensure that relevant persons can evacuate safely. Detectors and detection systems should:

- wherever possible be mains-powered and designed to the standards expected by the ADB; and
- be tested at least monthly.

## Compartmentation and flat front doors

### Compartmentation

BS 9991:2015 – Fire safety in the design, management and use of residential buildings<sup>59</sup> defines compartmentation as 'the provision of fixed horizontal and vertical barriers with designated fire resistance, including adequate fire-stopping; cavity barriers; dampers or seals; doors or shutters, all of which are commensurate with the barrier in which they are housed.'

The wall or floor must remain functional for the duration of the designed fire resistance period. The compartment wall or floor should not crack or develop holes that allow flames, smoke or hot gases to pass through it, and if appropriate, it should maintain a suitable degree of insulation.

Purpose-built blocks of flats are usually subject to the following common design principles:

- there is a high degree of compartmentation between each flat, and between flats and the common parts of the block;
- each flat is formed within its own fire-resisting enclosure;
- there is a low probability of fire and smoke spread beyond the flat of a fire's origin; and
- there is a low fire risk in common areas due to precautionary management.

Compartmentation around flats should ensure that a fire is contained within the flat of origin until extinguished by the fire service.

### Fire doorsets

Fire doorsets are one of the most important measures to safeguard the means of escape from fire. The fire strategy must identify the fire doorsets in the building, and the fire risk assessment must determine whether the doors are adequate to resist the spread of fire and smoke into, or within, the common parts. Responsible persons must take steps to ensure fire doors are maintained in good order, and where it has been found that the existing door is inadequate and needs to be replaced, this must be done by a competent person.

Approved Document B defines a fire doorset as 'a door or shutter which, together with its frame and furniture as installed in a building, is intended (when closed) to resist the spread of fire and/or gaseous products of combustion and meets specified performance criteria to those ends.'

A fire doorset will include the:

- fire door;
- frame and the way it is installed into the wall;
- letterbox;
- glazing;
- hinges, locks and other ironmongery;
- self-closer; and
- fire and smoke strips and seals.

A compliant doorset will have been tested to achieve the required fire and smoke resistance in the type of location in which it has been installed and a certificate issued that details:

- all components of the doorset (frame, door, ironmongery etc.) that were tested;
- the type of walls that it was installed in as part of the test;
- any fixing requirements for the door frame and door;
- any fire and smoke strip or seals that are required to be fitted to the door or frame;
- and fire and smoke stopping requirements between the frame and the wall into which it is installed.

For a doorset to provide the required fire and smoke resistance it must have been installed in accordance with the information provided in the certificate and be maintained in the same condition.

In general, fire doorsets within a block of flats fall into four categories, namely:

- flat entrance doors: these are particularly important because in blocks of flats, most fires occur within the flats themselves; the flat entrance door prevents the spread of fire and smoke into the common parts and ensures the safety of other residents;
- doors to stairways and lobbies (between corridors and stairways): these keep the stairways and lobbies free from fire and smoke, so that they can safely be used by residents and others who might need to leave the building during a fire, and to assist firefighters during firefighting operations;
- doors that sub-divide corridors: these are to limit the spread of fire and smoke throughout, for example, a long corridor;
- doors to plant rooms and cupboards and to service risers which both prevent fire within these areas affecting the common parts and in the case of service risers can prevent the spread of fire through the risers.

The Fire Safety (England) Regulations 2022 require that, in blocks over 11 m in height, the RP must:

- check any fire doors within common parts every three months;
- use best endeavours to undertake checks of flat entrance doors every 12 months.

These checks must ensure that fire doors are in efficient working order and that the existing door standard is maintained. The inspections are aimed at identifying defects such as:

- missing or ineffective self-closing devices;
- visual damage to doors or frames, such that the fire resistance of the doorset is likely to be impaired;
- doors which have been replaced by non-fire-resisting doors.

Good practice would also be such that checks are carried out at similar frequencies in blocks of flats of 11 m or less.

The Home Office has published Fire Safety (England) Regulations 2022: fire door guidance which provides guidance on how to conduct routine checks on fire doors. The guide has been published



by the Secretary of State under Article 50 of the Fire Safety Order to assist responsible persons in meeting their duties under the Order.

### Front doors of flats

The Fire Safety Act 2021 clarified that flat entrance doors must be considered in the FRA mandated by the Fire Safety Order.

Whether or not the front doors of flats are demised to the leaseholder or the landlord, they are an essential part of the fire and smoke containment plan of a block of flats.

All fire doors in any multi-occupied residential building, including individual flat entrance doors, play an essential part in ensuring that the whole of the building is safe as they form a key element of the building's compartmentation and mitigate the risk of the spread of fire throughout the building.

It is recommended that a sample of flat entrance doors (amounting to no less than 10% of the flat entrance doors in the block) is checked every six months. (By suitable timing of fire risk assessments, this work could be carried out as part of the fire risk assessments.)

Such checks should be undertaken by a competent person who has completed appropriate training and is registered on a relevant UKAS-accredited scheme such as Bluesky Certification<sup>37</sup>.

The current version of ADB requires the doorset that separates a flat from a space in common use to be at least FD30S, meaning it gives fire resistance of not less than 30 minutes (FD30) and the same resistance to the passage of smoke at ambient temperature conditions (S).

In the case of a property with a fire-engineered design solution, the fire doorset may be required to provide higher levels of fire and smoke resistance.

A fire doorset should be provided with self-closing devices that are manufactured and in-stalled in accordance with BS EN 1154:1997<sup>40</sup> and fire-rated hinges in accordance with BS EN 1935:2002<sup>41</sup>.

### Where flat front doors are demised to leaseholders

Where the fire door is demised by the lease to the leaseholder, they will be the responsible person in relation to that door and responsible for ensuring that the door is both compliant and adequately maintained.

Responsible persons for the common parts must in relation to relevant persons, including residents of flats, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe. The general fire precautions that must be taken in relation to premises include:

- measures to reduce the risk of fire on the premises and the risk of the spread of fire on the premises;
- measures in relation to the means of escape from the premises; and
- measures for securing that, at all material times, the means of escape can be safely and effectively used.

Article 17 of the Fire Safety Order requires that where a person is responsible for the common parts, that they ensure that the premises and any facilities, equipment and devices provided

in respect of the premises under this Order, or under any other enactment, which includes the Building Regulations, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair. This will include any fire doorset, including flat entrance doors, even where the doors are demised to another responsible person.

Article 22 of the Fire Safety Order requires that, where two or more responsible persons share, or have duties in respect of, premises (whether on a temporary or a permanent basis), each such person must:

- co-operate with the other responsible person concerned so far as is necessary to enable them to comply with the requirements and prohibitions imposed on them by or under this Order; and
- (taking into account the nature of his activities) take all reasonable steps to co-ordinate the measures he takes to comply with the requirements and prohibitions imposed on him by or under this Order with the measures the other responsible persons are taking to comply with the requirements and prohibitions imposed on them by or under this Order.

It is therefore essential that where a person is responsible for the common parts of a multi-occupied residential building and in particular the means of escape, that they liaise with any other responsible person, including in particular those with responsibility for flat front doors, to ensure that the flat front doors are both compliant and adequately maintained.

Most leases will include a clause requiring leaseholders to comply with statutory requirements in respect of their own premises and/or to maintain their property in a condition to prevent others being put at risk. This includes maintaining any fire doors in a suitable condition.

Duty holders and when they have agreed to manage fire safety on behalf of their client, managing agents, should use the lease, where they can, to ensure that front doors of flats that are demised to the leaseholder are maintained in a suitable condition. Not all leases are the same, so duty holders and managing agents should consult the building's leases before acting.

Should a leaseholder wish to change or alter their front door, landlords (or managing agents on their behalf) must ensure that they do so only after obtaining Building Regulations approval. This is to prevent the spread of fire outside the flat of origin for the relevant period of time and to protect the means of escape from the building, allowing safe access for the FRS to fight the fire and to allow escape from the building should the need arise.

Most leases will require leaseholders to apply for a licence to alter before they make changes to their property. The requirement usually includes any alterations to the fire door to a property.

Landlords (or managing agents on their behalf) should take appropriate action where a licence has not been obtained.

Where a front door is replaced or altered and the work does not comply with the relevant requirements of the Building Regulations, duty holders should, when taking action, first look to the lease. Where there is no appropriate provision in the lease, and the leaseholder refuses to take appropriate action, the local authority has a duty to enforce when they become aware of the breach. A local authority's building control department will seek to do so by informal means wherever possible. If informal enforcement does not achieve compliance with the regulations, the local authority may prosecute

the person carrying out the work (the builder) in a magistrates' court where an unlimited fine may be imposed. Alternatively, or in addition, the local authority may serve an enforcement notice on the leaseholder, requiring alteration or removal of work which contravenes the regulations. If the owner does not comply with the notice, the local authority has the power to undertake the work itself and recover the costs of doing so from the owner.

When writing to leaseholders about any changes to the flat which do not comply with the relevant requirements of the Building Regulations, it is often useful to send a copy to the local authority for information.

The Fire Safety Order allows for enforcement action to be taken against an individual who the enforcing authority (the FRS authority for the area in which premises are situated) considers to be the most appropriate, which in some circumstances could be an individual leaseholder where ownership is demised to them.

Where a local FRS considers that the condition of the flat front door presents a risk to the safety of relevant persons, they can take action.

Enforcement in such circumstances would usually commence with informal letters. Where no action is taken in response to the informal letters, or the matter is deemed to present a significant risk, a formal letter, the equivalent of an action plan, will be served. If the formal letter is not complied with, an enforcement notice can be issued. Failure to comply with an enforcement notice can result in prosecution.

### Internal alterations to flats

For some blocks of flats, the internal layout of the flats is also designed to add to the compartmentation of the flats from common parts, e.g. protected lobbies. If leaseholders are making internal alterations to flats, then duty holders need to be aware and need to prevent changes that add to the risk of fire and smoke spread.

Contractors working in flats may drill openings in fire-resisting walls without permission. It is essential that any new openings are made good to ensure that the levels of fire containment are in no way reduced by such works.

Duty holders need to be vigilant against such possible changes to the fire risk in blocks and advise leaseholders carrying out internal alterations to let the responsible person, or their agent, know and to seek their advice before carrying out any internal alterations that could have an effect on fire safety in the block.

Leaseholders should, where possible, be suitably constrained from making detrimental changes by virtue of the conditions within their lease.

Examples of detrimental changes include:

- a leaseholder changing their flat entrance door, but not replacing it with a suitably fire-resisting and self-closing door;
- a resident installing a new bathroom suite, but not ensuring that breaches of riser walls created for new drains are fire-stopped afterwards to maintain fire separation to the common riser;
- a resident removing the doors and walls to the kitchen and lounge to create an open-plan living area, but in so doing

making all the bedrooms inner rooms, and possibly impairing protection to the common parts;

- residents fitting non-condensing tumble dryers with holes through fire walls and doors for vent pipes;
- the installation of downlighters in the ceilings of flats that are not of a closed-back, 'fire-rated' design and which have not been fitted with intumescent fire hoods or covered by an insulation support box, therefore diminishing the fire separation provided by the ceiling; and
- a resident undertaking DIY to fit additional socket outlets and, in so doing, damaging the protection to the timber frame construction.

### Wayfinding signage

In high-rise residential buildings, the Fire Safety (England) Regulations 2022 require responsible persons to install wayfinding signage in their buildings to assist the FRS in navigating their way round a building, even when visibility is low. This includes clear markings identifying floor and individual flat numbers.

Signage must conform to the specifications and location set out in paragraphs 15.14 to 15.16 of Approved Document B Volume 1 Dwellings 2019 edition incorporating 2020 and 2022 amendments.

### Electric vehicle charging

Advances in technology and environmental concern have created an increasing demand for electric vehicles. While mobility scooters have been in common usage for many years, many residential buildings now include facilities for parking and charging electric cars, electric motorcycles, electric bicycles and hybrid cars.

#### Electric vehicles

Electric vehicles:

- involved in a fire can release large volumes of smoke and generate significant heat; and
- when charged can introduce potential ignition hazards.

The risk associated with electric vehicle parking and charging must be considered in the building's FRA and appropriate controls implemented to address any risks identified.

Information on the safe charging of electric vehicles can be found in RISCAuthority RC59: Recommendations for fire safety when charging electric vehicles<sup>25</sup>.

#### E-bikes and e-scooters fire safety

Fire association with the charging of e-bikes and e-scooters appears to be increasing. Currently there is limited data relating to the number of fires, but London Fire Brigade reported eight fires caused by e-bikes and e-scooters in 2019. This rose to 24 in 2020 and 59 by December 2021.

On occasions batteries can fail catastrophically; they can 'explode' and/or lead to a rapidly developing fire.

The risk associated with e-bike and e-scooter charging, particularly where bikes are stored and/or charged in a communal storage area,

must be considered in the building's FRA and appropriate controls implemented to address any risks identified.

Fire safety guidance on e-bikes and e-scooters is given in the NFCC's E-bike and e-scooters fire safety guidance<sup>21</sup>.

### Mobility scooters

The use of mobility scooters can enhance the quality of life for many older or less mobile residents. However, the charging and storage of mobility scooters in residential buildings, if not properly managed, can create fire safety risks.

In addition to the risks created by all electrical vehicles, mobility scooters:

- stored on escape routes and involved in a fire can make escape routes impassable; and
- stored outside and not in a secured compound give potential for deliberate ignition.

The risk associated with mobility scooters must be considered in the building's FRA and appropriate controls implemented to address any risks identified. Information on the safe use, storage and charging of mobility scooters in residential buildings can be found in the NFCC's Mobility Scooter Guidance for Residential Buildings<sup>20</sup>.

### Housekeeping and common parts

The guidance on fire safety in purpose-built blocks of flats suggests two possible approaches to maintaining precautions in common parts: zero tolerance or managed use.

A zero-tolerance approach is one in which residents are not permitted to use the common areas to store or dispose of their belongings or rubbish, with no exceptions. This may be the most straightforward policy to apply, but it may also be viewed by occupants as onerous and restrictive.

A managed-use approach allows for strictly defined use of common areas and limits the items allowed, to control fire load and ease of ignition, with certain low-risk items to be present, e.g. pot plants, doormats, framed pictures and notice boards. This may encourage occupants to foster a sense of pride and value in the block, and it may in turn lower the risk of antisocial behaviour. It can, however, be more difficult to adopt as it requires a clearly defined policy and regular inspection to ensure the list of items present does not grow such that it creates a risk of fire spread or obstruction in the means of escape.

### Removal and disposal policy

It is for the responsible person to decide what the policy should be and ideally consult with the residents about what policy they want. It is much easier to achieve compliance with the support of the residents. Once the policy has been agreed, it should be widely publicised to all leaseholders and residents in the property. This

should ideally include a written communication to each resident about the policy. The policy should also be publicised in newsletters and digital communication tools if they are used.

In both managed-use and zero-tolerance approaches, items creating an obstruction may need to be removed. It is not lawful, however, even with a policy in place, to re-move and immediately dispose of items.

The policy communication should explain the statutory duty placed upon the responsible person to keep fire escape routes clear so that they are always safe to use when required. Residents should be given a short period of time to remove their belongings, perhaps by posting a notice on the offending item. The published policy and any notices posted on goods should inform residents that any items not removed by the specified time and date will be put in storage, where they will be kept for a further period to allow the owners a further opportunity to collect them, before they are disposed of. In this way, some, and possibly the majority, of the items will be removed or collected by the residents.

### Disposal of goods

The responsible person's obligations in relation to any goods that are not removed or collected will depend on whether they are found to be a conventional or involuntary bailee.

Broadly, bailment is the transfer of possession (and not ownership) of goods by the owner (the bailor) to another person (the bailee) so that they might be used for a specified purpose on condition that they are:

- returned to the bailor; or
- kept until the bailor reclaims them.

An involuntary bailee is a bailment in which the bailee does not desire to take control over the bailed property. This typically occurs when a person inadvertently leaves goods on the property of the bailee.

Where the responsible person has indicated that they would store the goods for a period of time, there is an argument for suggesting that the responsible person in this type of situation is an involuntary bailee, because they did not initially consent to taking possession of the goods; rather, the goods were left in the communal parts without the responsible person's consent.

An involuntary bailee must not deliberately or recklessly damage or destroy the goods. Where items are not collected from storage, the objective is to try to minimise the risk of future legal challenge as far as possible. When deciding if, or when, to dispose of items that have not been collected, the task will be about managing or limiting the risk because it may not be possible to remove the risk altogether.

The Torts (Interference with Goods) Act 1977 permits the disposal of uncollected bailed goods; however, it is not clear whether originally involuntary bailments are within the scope of the legislation.

If it can be shown that items have been abandoned, the responsible person may be free to deal with those goods as they see fit. However, if the resident has not abandoned the goods, the retention and sale or disposal of the goods by the responsible person may give the true owner grounds for bringing a claim against the landlord for conversion.

The tort of conversion occurs when one person interferes with the personal property of another, for example by taking it or withholding it without lawful justification. The difficulty will always be establishing that the goods have been abandoned.

The more time that passes, and the lower the likely value of the items, the less risk there will be of a possible challenge and the easier it is to argue that the items have been abandoned. The opposite is also true and, in such cases, the responsible person may wish to retain more valuable items for a longer period of time.

Managing agents should advise the responsible person to take legal advice before agreeing what action should be taken about goods that are not collected from storage.

### Routine checks and maintenance

The Fire Safety (England) Regulations 2022 impose a number of duties on responsible persons in relation to routine checking of fire doors, lifts and essential firefighting equipment.

A 'routine check' means a check, carried out in accordance with the relevant industry standard or any recommendations made by the manufacturers within a relevant manual, to ensure that any lift or piece of equipment is in efficient working order and in good repair.

Guidance will specify which pieces of equipment are subject to a visual inspection or other check, but it is not the intention of these regulations to require responsible persons to engage specialists to undertake these checks.

Essential firefighting equipment means:

- inlets for dry-rising mains;
- inlets for wet-rising mains;
- outlets for dry-rising mains;
- outlets for wet-rising mains;
- smoke control systems;
- suppression systems;
- fire detection and fire alarm systems including any detectors linked to ancillary equipment such as smoke control systems;
- evacuation alert systems;
- automatic door release mechanisms linked to fire alarm systems.

In 'high-rise residential buildings', responsible persons will be required:

- to undertake monthly routine checks of:
  - lifts for use by firefighters (firefighting lifts and firefighters' lifts);
  - evacuation lifts; and
  - essential firefighting equipment;
- where they identify any fault with a lift or piece of essential firefighting equipment, to:
  - take steps to rectify the fault;
  - where the identified fault cannot be rectified within a 24-hour period, must, as soon as reasonably practicable:
    - \* report the fault to the local FRS by electronic means;
    - \* report the rectification of the fault to the local FRS by electronic means when it has been rectified;
- to make a record of the monthly checks undertaken and make that record accessible to the residents of the building.

### Routine checks of fire doors

In residential buildings which contain two or more sets of domestic premises and which are above 11 m in height, responsible persons will be required to:

- use best endeavours to undertake annual checks of flat entrance doors (including ensuring self-closing devices are working);
- keep a record of the steps taken to perform checks of flat entrance doors, and where access to the domestic premises was not granted during any 12-month period, the steps taken to try and gain access; and
- undertake checks of all fire doors (including ensuring self-closing devices are working) in communal areas of the building at least every three months.

The terms of the lease must be considered to establish where ownership lies in relation to the flat front doors.

If in doubt, the responsible person should take professional advice as to their duties and those of the leaseholders.

### Maintenance and testing

Article 17 of the Fire Safety Order 2005, Maintenance, requires: 'Where necessary in order to safeguard the safety of relevant persons, the responsible person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises under this Order ... are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.'

It is essential for the safety of the occupants of a building that fire safety equipment and passive fire protection provisions are inspected, tested and maintained at appropriate intervals.

The responsibility for ensuring the regular testing and maintenance of these systems will usually lie with the responsible person and, where they have agreed to manage fire safety equipment, the managing agent.

To comply with their legal duties, duty holders need to demonstrate that they have a structured and documented approach for meeting the functional requirements of the various articles of the Fire Safety Order (Articles 8, 11, 13, 14 and 17 being the most relevant).

Although there are no legally specified frequencies for maintenance, inspection and testing, managing agents are advised to comply with the requirements of the relevant British Standards for the individual fire safety installations.

Although the British Standards are guidance only, they represent best practice.

Duty holders should only deviate from requirements of the relevant British Standards where it is recommended or approved by the fire risk assessor and recorded in the property's FRA.

BS 9991:2015 Fire safety in the design, management and use of residential buildings – Code of practice<sup>59</sup> indicates that the British Standards listed in the table below should be used for routine

maintenance, inspection and testing of particular systems. The table also summarises the inspection frequencies required by the various standards.



Equipment	Relevant standard	Inspection or testing					
		Daily	Weekly	Monthly	Quarterly	6 months	Annually
<ul style="list-style-type: none"> <li>✓ requirement for all buildings</li> <li>✓ legal requirement for routine check of equipment in high-rise residential building</li> <li>✓ legal requirement for residential building which is above 11 metres in height</li> </ul>							
Fire detection and fire alarm systems (including smoke detectors that activate automatic smoke vents in lobbies or protected staircases)	<p>BS 5839-1:2017 – Fire detection and fire alarm systems for buildings. Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises.</p> <p>BS 5839-6:2019 – Fire detection and fire alarm systems for buildings. Code of practice for the design, installation, commissioning and maintenance of fire detection and fire alarm systems in domestic premises.</p>	✓	✓	✓	✓	✓	
Evacuation alert system	<p>The Fire Safety (England) Regulations 2022</p> <p>BS 8629 Code of practice for the design, installation, commissioning and maintenance of evacuation alert systems for use by fire and rescue services in buildings containing flats.</p>			✓		✓	
Emergency lighting	BS 5266-1:2016 – Emergency lighting. Code of practice for the emergency lighting of premises.			✓			✓
Wet firefighting mains	<p>The Fire Safety (England) Regulations 2022</p> <p>BS 9990:2015 – Non-automatic firefighting systems in buildings. Code of practice.</p>			✓		✓	✓
Dry firefighting mains	<p>The Fire Safety (England) Regulations 2022</p> <p>BS 9990:2015 – Non-automatic firefighting systems in buildings. Code of practice.</p>			✓		✓	✓
Fire sprinkler systems	<p>The Fire Safety (England) Regulations 2022.</p> <p>BS 9251:2021 – Fire sprinkler systems for domestic and residential occupancies. Code of practice.</p>			✓			✓
Watermist systems	<p>The Fire Safety (England) Regulations 2022.</p> <p>BS 8458:2015 – Fixed fire protection systems. Residential and domestic watermist systems. Code of practice for design and installation.</p>			✓			✓

Equipment	Relevant standard	Inspection or testing					
<ul style="list-style-type: none"> <li>✓ requirement for all buildings</li> <li>✓ legal requirement for routine check of equipment in high-rise residential building</li> <li>✓ legal requirement for residential building which is above 11 metres in height</li> </ul>		Daily	Weekly	Monthly	Quarterly	6 months	Annually
Gaseous extinguishing systems	<p>The Fire Safety (England) Regulations 2022.</p> <p>BS 5306-0:2020 – Fire protection installations and equipment on premises. Guide for selection of installed systems and other fire equipment.</p> <p>BS EN 15004-1:2019 – Fixed firefighting systems. Gas extinguishing systems. Design, installation and maintenance.</p>		✓	✓			✓
Foam extinguishing systems	<p>The Fire Safety (England) Regulations 2022.</p> <p>BS 5306-0:2020 – Fire protection installations and equipment on premises – Guide for selection, use and application of fixed fire-fighting systems and other types of fire equipment.</p> <p>BS EN 13565-2:2018 – Fixed firefighting systems. Foam systems – Design, construction and maintenance.</p>			✓	✓	✓	✓
Powder extinguishing systems	<p>The Fire Safety (England) Regulations 2022.</p> <p>BS 5306-0:2020 Fire protection installations and equipment on premises – Guide for selection, use and application of fixed firefighting systems and other types of fire equipment.</p> <p>BS EN 12416-2:2001 Fixed firefighting systems. Powder systems – Design, construction and maintenance.</p>		✓	✓			✓
Smoke control systems including automatic opening vents	<p>The Fire Safety (England) Regulations 2022 – Regulation 7.</p> <p>BS 7346-8:2013 – Components for smoke control systems – Code of practice for planning, design, installation, commissioning and maintenance.</p> <p>BS 9999:2017 – Fire safety in the design, management and use of buildings – Code of practice – Annex I.</p>		✓	✓	✓	✓	✓
Portable fire extinguishers	<p>BS 5306-3:2017 – Fire extinguishing installations and equipment on premises. Commissioning and maintenance of portable fire extinguishers. Code of practice.</p>			✓			✓

Equipment	Relevant standard	Inspection or testing					
		Daily	Weekly	Monthly	Quarterly	6 months	Annually
<ul style="list-style-type: none"> <li>✓ requirement for all buildings</li> <li>✓ legal requirement for routine check of equipment in high-rise residential building</li> <li>✓ legal requirement for residential building which is above 11 metres in height</li> </ul>							
Hose reels	<p>BS 5306–0:2020 Fire protection installations and equipment on premises – Guide for selection, use and application of fixed firefighting systems and other types of fire equipment.</p> <p>BS 5306–1:2006 – Code of practice for fire extinguishing installations and equipment on premises – Hose reels and foam inlets.</p> <p>BS EN 671–3:2009 – Fixed firefighting systems. Hose systems. Maintenance of hose reels with semi-rigid hoses and hose systems with lay-flat hoses.</p> <p>Hose reels should be checked regularly to ensure that there are no leaks, the valves operate satisfactorily, the nozzle outlet is not choked and the nozzle can be moved from ‘jet’ to ‘spray’ position and vice versa without difficulty.</p>						✓
Fire hydrants	<p>BS 9990:2015 – Non-automatic firefighting systems in buildings. Code of practice.</p> <p>Periodic inspections of the vicinity of all hydrants should be made to ensure that there are no obstructions impeding accessibility and that hydrant indicator plates are in position.</p> <p>Periodic inspections should be made to ensure that all isolating valves for systems are kept locked in an open position. Also flow and pressure should be checked to ensure that supplies have not deteriorated.</p>						✓
Firefighters lifts	<p>Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).</p> <p>The Fire Safety (England) Regulations 2022 – Regulation 7.</p> <p>BS EN 81–72:2020 – Safety rules for the construction and installation of lifts.</p> <p>Particular applications for passenger and goods passenger lifts – Firefighters lifts.</p>		✓	✓		✓	✓

Equipment	Relevant standard	Inspection or testing					
		Daily	Weekly	Monthly	Quarterly	6 months	Annually
<ul style="list-style-type: none"> <li>✓ requirement for all buildings</li> <li>✓ legal requirement for routine check of equipment in high-rise residential building</li> <li>✓ legal requirement for residential building which is above 11 metres in height</li> </ul>							
Fire evacuation lifts	<p>The Fire Safety (England) Regulations 2022 – Regulation 7</p> <p>Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).</p> <p>BS EN 81-72:2020 – Safety rules for the construction and installation of lifts.</p> <p>Particular applications for passenger and goods passenger lifts – Firefighters lifts.</p> <p>BS 9999:2017 – Fire safety in the design, management and use of buildings. Code of practice – Annex I.</p>		✓	✓		✓	✓
Fire doors including automatic opening doors, emergency doors and panic escape doors	<p>The Fire Safety (England) Regulations 2022 – Regulation 10.</p> <p>BS 8214:2016 – Timber-based fire door assemblies. Code of practice.</p> <p>BS 9999:2017 – Fire safety in the design, management and use of buildings. Code of practice – Annex I.</p> <p>* on doors in the common parts.</p>		✓	✓ * ✓		✓	✓
Fire door automatic release mechanisms	<p>The Fire Safety (England) Regulations 2022 – Regulation 10.</p> <p>BS 7273-4:2015+A1:2021 – Code of practice for the operation of fire protection measures. Actuation of release mechanisms for doors.</p> <p>This includes for acoustically actuated release mechanisms.</p> <p>* on doors in the common parts.</p>		✓	* ✓	✓	✓	
Active fire curtain/barrier assemblies	<p>BS 8524-2:2013 – Active fire curtain barrier assemblies. Code of practice for application, installation and maintenance.</p> <p>* Where no sensory equipment is installed, check for obstructions to operational area.</p>	* ✓	✓	✓	✓	✓	

The daily tests detailed in the table relate to the need to ensure that the systems and equipment listed remain in normal operation; that any fault is logged; and appropriate action is taken to remedy any defects. Remote monitoring of systems and equipment can, in many cases, be used to comply with this requirement.

All standards require the system designer/installer to ensure that the required maintenance, inspection and test requirements and frequencies are set out in the log book and operation and maintenance manual for the system.

Duty holders should consult the log book, which can be digital, and operation and maintenance manuals for all fire safety systems as these may include requirements for inspection and testing over and above the standards set out in the table above.

It is essential that both active and passive fire protection measures function in a fire. Duty holders must ensure that fire protection measures are inspected on a regular basis to ensure that they are available and functional at all times.

Inspections should ensure that:

- escape routes are kept clear at all times;
- door locks, panic bars and automatic door release mechanisms are maintained so that they are easily openable in an emergency;
- the integrity of fire compartment walls or floors is maintained; and
- fire safety systems and equipment remain in normal operation, that any fault is logged, and appropriate action is taken to remedy any defects. Remote monitoring of systems and equipment can, in many cases, be used to comply with this requirement.

To ensure that faults are logged and action taken, managing agents may consider providing residents with a number to call for faults to be reported, logged and actioned. All engineered fire safety solutions will be part of a cause-and-effect matrix which, if operating correctly, activates complementary systems. As such, these systems should be tested as a collective and not individually. By way of example, a weekly test of a fire alarm will also involve checking self-closing devices on fire doors, passenger lifts that should go to ground level with doors open, automatic opening vents that will open as required in the area of device activation, and other devices set to operate when the fire alarm sounds.

Although much of the inspection can be undertaken by suitably trained personnel, a formal agreement should be made with suitably competent people or organisations to provide the regular inspection and testing described in the relevant British Standards for individual fire safety installations.

Records must be maintained of all inspections and tests; any defects must be logged along with details of any action taken. Certificates of testing must be obtained and maintained to provide evidence of action. Records should be maintained for at least five years.

Duty holders are advised to compile a fire safety manual for the fire systems in the building so these records are maintained in a central location for audit and inspection. De-tails of the recommended structure and contents of the fire safety manual can be found in BS9999:2017 – Fire safety in the design, management and use of buildings<sup>61</sup> – Annex H.

## Fire alarm testing

Where automatic fire detection is installed in common areas or working parts of the building (e.g. smoke detectors that activate automatic smoke vents in lobbies or protected staircases), testing and maintenance is required in accordance with the relevant sections of BS 5839-1:2017 – Fire detection and fire alarm systems for buildings – Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises<sup>46</sup>.

BS5839-1 makes the following statements:

‘Periodic inspection and servicing needs to be carried out by a competent person with specialist knowledge of fire detection and fire alarm systems, including knowledge of the causes of false alarms, sufficient information regarding the system, and adequate access to spares.’

‘This is normally an outside fire alarm servicing organisation; care needs to be taken to ensure that, if, for example, in-house employees are used for this task, they have equivalent competence to the technicians of a typical fire alarm servicing organisation. Competence of a fire alarm servicing organization can be assured by the use of organisations that are third-party certificated, by a UKAS-accredited certification body, to carry out inspection and servicing of fire alarm systems.’

It is generally accepted that the weekly test can be somebody who has the skills, knowledge, experience and behaviours to carry out the test in accordance with the requirements of BS 5839-1.

All other tests and inspections should be done by ‘suitably competent people or organisations’ such as a fire alarm maintenance contractor.

## Inspecting and maintaining fire doorset

Article 17 of the Fire Safety Order requires the responsible person to ensure that the premises and any facilities, equipment and devices provided in respect of the premises under this Order, or under any other enactment, which includes the Building Regulations, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair. This duty clearly applies to fire doorsets.

As noted earlier in this document, it is essential that where a person is responsible for the common parts of a multi-occupied residential building and in particular the means of escape, that they liaise with any other responsible person, including in particular those with responsibility for flat front doors, to ensure that the flat front doors are both compliant and adequately maintained.

Advice on routine inspection and maintenance of fire-resisting doors can be found in BS 8214:2016 Timber-based fire door assemblies – Code of practice<sup>51</sup>. The standard:

- notes that even when doors were compliant at the time of installation, they deteriorate over time and eventually fail to provide the required level of protection. The two main forms of deterioration are:
  - damage to the door leaf, door frame or other components of the assembly; and
  - wear in the door hardware or its fixings.



- notes the importance of inspection, maintenance and repair of any damage to fire doorsets and recommends that inspection and maintenance is undertaken on a regular basis to ensure that the required fire resistance is maintained.
- indicates that the frequency of inspection can be determined according to the risk assessment and relative to the frequency of use of the doorway but indicates that:
  - doors used infrequently might be programmed for (say) monthly inspection;
  - duct doors that are normally kept closed and might not be fitted with closers can be omitted from the inspection programme; and
  - high-usage doors could be programmed for (say) weekly inspections.
- makes it clear that inspection and maintenance should be undertaken by a competent person.

### Secure information box

The Fire Safety (England) Regulations 2022 require responsible persons to install and maintain a secure information box in or on the high-rise residential buildings.

Secure information boxes are intended for use by the FRS during a fire. The information in the box allows first attending crews to understand the layout of the building and to respond effectively through use of these plans in a dynamic environment without having to rely on technology.

The secure information box must:

- be:
  - positioned at a location in or on the building which is readily accessible to the fire and rescue authority;
  - capable of containing the documents that the regulations require it to contain;
  - reasonably secure from unauthorised access and vandalism;
- contain:
  - the name, address and telephone number within the United Kingdom of the responsible person;
  - the name and contact information of such other persons within the United Kingdom who are provided with the facilities to and are permitted to access the building as the responsible person considers appropriate;
  - a plan for each floor that must, together, identify the location of all lifts and identify if the lift is one for use by firefighters or an evacuation lift, and the key firefighting equipment in the whole building;
  - a single-page building plan identifying the information set out earlier in regulation 6(4) of the Fire Safety (England) Regulations;
- be inspected at least annually to ensure that it continues to meet the requirements of the regulations.

Chapters 2 to 4 of the Code of Practice for the Provision of Premises Information Boxes in Residential Buildings<sup>23</sup> set out good practice on secure locations to install information boxes.

The Fire Safety (England) Regulations do not require a responsible person to include in the box any personal or sensitive information about residents.

In order to keep information safe and secure, the box should be lockable. Access must be given to the FRS either by a copy of the key, or the access key-code, being shared with them.

### Providing information to residents

The Fire Safety (England) Regulations 2022 require responsible persons for buildings which contain two or more sets of domestic premises, and which contain common parts through which residents would need to evacuate in the case of an emergency, to:

- display fire safety instructions in a conspicuous part of any building (such as the building's lobby); and
- provide the residents of the building with information about fire doors to the effect that:
  - fire doors should be kept shut when not in use;
  - residents or their guests should not tamper with the self-closing devices; and
  - residents should report any faults or damage with doors immediately to the responsible person.

The fire safety instructions must be:

- in a comprehensible form that the residents can be reasonably expected to understand and must include instructions:
  - relating to the evacuation strategy for the building;
  - about how to report a fire to the FRS authority; and
  - about what residents must do when a fire has occurred.

After any material changes to the fire safety instructions, the displayed instructions must be replaced with the new instructions and a copy provided to residents.

Fire safety instructions and information about fire doors must be provided to:

- a new resident of domestic premises within the building, as soon as reasonably practicable after that resident moves into the premises; and
- all residents of domestic premises within the building within 12 months of the date the regulations come into force.

The regulations do not require fire safety instructions to be translated into multiple languages, but a responsible person is welcome to use their own discretion should they wish to do so. Relevant fire safety information is already available in alternative languages from some FRSs and can be downloaded from their websites.

Article 21A requires the RP to also give residents of the domestic premises comprehensible and relevant information about the following relevant fire safety matters:

- a) the risks to residents of the domestic premises identified by the risk assessment;
- b) the preventive and protective measures;
- c) the name of the responsible person and an address in the United Kingdom at which the responsible person, or someone acting on their behalf, will accept notices and other documents;
- d) the identity of any person appointed by the responsible person to assist them with making or reviewing a fire assessment;
- e) the identity of any persons nominated by the responsible person to implement firefighting in the premises; and
- f) any risks of which the responsible person has been informed by other RPs.

The information is to be provided at such times, and in such form, as may be specified in regulations made by the relevant authority.

The responsible person must keep records of the relevant fire safety matters.

### Providing information to leaseholders

The responsible person and managing agents, when their management agreement requires them to manage fire safety on the responsible person's behalf, have a duty to communicate important fire safety messages to leaseholders.

It is important that leaseholders understand their legal duties in relation to fire safety and in particular their duties in relation to the:

- maintenance or replacement of flat front doors where they form part of the building's fire compartmentation;
- replacement or removal of internal flat doors and any internal layout alterations;
- replacement of windows or the installation of security grilles or shutters; and
- installation of smoke detection devices.

Duty holders may use the TPI leasehold advice note – Fire safety in flats<sup>78</sup> as a template for the provision of advice to leaseholders.

Duty holders may also wish to provide details of the fire strategy for the building in any guidance document they create, including, in particular, information on:

- the fire safety and emergency action plan for the block including an explanation of the Stay Put policy (where relevant), examples of which are included in Annex A;
- the required standard of housekeeping in common parts;
- security measures and requirements to prevent arson;
- the absence or presence of:
  - fire detection and/or alarm systems;
  - firefighting equipment;
  - fire suppression systems;
  - smoke ventilation systems; and
- a brief description of what any fire detection and/or alarm system does.

Advice to leaseholders should be provided:

- at least annually;
- each time the FRA is updated and includes new information that may affect residents; and
- each time the ownership of the flat changes.

Duty holders should also consider communicating with leaseholders periodically to warn them of the fire safety risks and lease conditions connected with seasonal issues, such as the use of barbeques on balconies and Christmas lights.

### Primary Authority Scheme

If a responsible person or managing agent has premises in different fire authority areas, they can request a Primary Authority Scheme (PAS) partnership with a single fire authority in relation to regulatory compliance.

The aim of the PAS is for FRSs to develop effective partnerships with businesses that achieve national consistency in delivering fire safety enforcement and advice.

Once an organisation is in a partnership with a fire authority, the authority becomes the single point of contact for fire safety regulation advice. The regulatory advice will therefore be consistent across a managing agent's portfolio.

A Primary Authority is entitled to recover its costs for developing and providing Primary Authority advice and for other work it does to support a partnership under the scheme.

However, it is not able to make a profit from these activities. This means that the cost of joining the scheme is completely dependent on how much work is done within the partnership. It can be helpful for a managing agent and authority to get together and map out what work might be needed and to ask the local authority for an estimate of likely costs.

If an FRS has concerns about how a business that has a PAS with a different FRS is complying with fire safety regulations, it will discuss the issue with the Primary Authority at an early stage.

If an FRS believes that there is a statutory requirement for taking enforcement action, it must notify the Primary Authority of the action it proposes to take. However, in some cases there will be a need for enforcement action to proceed immediately, for example where action is needed urgently to ensure the safety of employees or members of the public.

Where actions of a business are potentially subject to enforcement action by an FRS, the business's Primary Authority will advise the FRS on whether it has given the relevant fire safety advice to the business and whether the enforcement action being proposed is consistent with that advice.

If there is disagreement over whether proposed enforcement action is consistent with the advice given by the Primary Authority, the Office of Product Safety and Standards (OPSS) is empowered to determine what, if any, action should be taken.

The PAS is open to any business, charity or other organisation that is regulated by two or more FRSs under the Fire Safety Order. The managing agent can choose which FRS to enter into a PAS with; it does not have to be the one nearest to the head office or in the county where the managing agent has the greatest number of outlets.

A PAS is a partnership arrangement; the managing agent should therefore take time to ensure that the FRS they choose to partner with is right for their business. It might be worth the organisation considering whether they already have a close relationship with a particular fire authority that is working well. Location might be important too: some partnerships find that regular face-to-face meetings or site visits are important, while for others this is not a significant issue.

A partnership is legally recognised under the Primary Authority once a local authority is nominated by the Secretary of State as the Primary Authority for a managing agent's business.

An application for nomination is initiated by the fire authority that is going to partner with the business via the secure Primary Authority Register.

The organisation then receives a link to the application and completes it, submitting it to Regulatory Delivery. Both the local authority and the business are required to accept the Primary Authority Terms and Conditions.

## Further information

### Legislation

1. [Fire Safety Act 2021](#)
2. [Building Safety Act 2022](#)
3. [The Regulatory Reform \(Fire Safety\) Order 2005](#)
4. [The Fire Safety \(England\) Regulations 2022](#)
5. [The Building Regulations 2010](#)
6. [The Housing Act 2004](#)
7. [Landlord and Tenant Act 1985](#)

### Guidance

8. [Home Office: Fire Safety Act Commencement Prioritisation Guidance](#)
9. [Home Office: Fire Safety \(England\) Regulations 2022: fire doors](#)
10. [Government: Fire Risk Assessment Prioritisation Tool](#)
11. [Government Fire Safety \(England\) Regulations 2022 Factsheets](#)
12. [Fire safety in purpose-built blocks of flats](#)
13. [LACoRS – Housing – Fire safety: Guidance on fire safety provisions for certain types of existing housing](#)  
**NB:** Caution is required when using this document because some information is now out of date.
14. [Building Regulations Approved Document B Volume 1: Dwellings 2019 edition incorporating 2020 and 2022 amendments](#)
15. [Building Regulations Approved Document B Volume 2: Buildings other than dwelling houses 2019 edition incorporating 2020 and 2022 amendments](#)
16. [NFCC Guidance to support a temporary change to a simultaneous evacuation strategy in purpose-built blocks of flats](#)
17. [NFCC Stay Put position statement](#)
18. [NFCC Fire safety risk assessment guidance](#)
19. [NFCC High-rise safety for residents](#)
20. [NFCC Mobility Scooter Guidance for Residential Buildings](#)
21. [NFCC E-bike and e-scooter fire safety guidance](#)
22. [NFCC Guidance: Reduction of False Alarms and Unwanted Fire Signals](#)
23. [NFCC and FIA Guide: Code of Practice for the Provision of Premises Information Boxes in Residential Buildings](#)
24. [RISCAuthority RC07: Recommendations for Hot Work](#)
25. [RISCAuthority RC59: Recommendations for fire safety when charging electric vehicles](#)
26. [CFOA – Collected perceived insights into and application of the Regulatory Reform \(Fire Safety\) Order 2005 for the benefit of enforcing authorities – 2015 \[Enforcers Guide\] revision 14](#)
27. [Fire Sector Federation – Approved Code of Practice for Fire Risk Assessor Competency](#)
28. [Fire Sector Federation – A Guide to Choosing a Competent Fire Risk Assessor](#)
29. [Fire Industry Association: The Status of PAS 79–2 & LGA Fire safety in purpose-built blocks of flats](#)

### Organisations

30. [The Institute of Fire Safety Managers](#)
31. [The Institute of Fire Prevention Officers](#)
32. [The Institution of Fire Engineers](#)
33. [National Fire Chiefs Council \(NFCC\)](#)
34. [UKAS](#)
35. [Professional Engineering Institutions](#)
36. [Engineering Council \(EngC\)](#)

37. [Bluesky Certification](#)
38. [Competent person schemes – current schemes and how schemes are authorised](#)

### British Standards

39. [PAS 79–2 – Fire risk assessment. – Part 2: Housing. Code of practice](#)
40. [BS EN 1154:1997 – Building hardware. Controlled door closing devices. Requirements and test methods \(under review\)](#)
41. [BS EN 1935 – Building hardware. Single-axis hinges. Requirements and test methods \(under review\)](#)
42. [BS 5266–1:2016 – Emergency lighting. Code of practice for the emergency lighting of premises](#)
43. [BS 5306–0:2011 – Fire protection installations and equipment on premises – Guide for selection of installed systems and other fire equipment](#)
44. [BS 5306–1:2006 – Code of practice for fire extinguishing installations and equipment on premises – Hose reels and foam inlets](#)
45. [BS 5306–3:2017 – Fire extinguishing installations and equipment on premises – Commissioning and maintenance of portable fire extinguishers. Code of practice](#)
46. [BS 5839–1:2017 – Fire detection and fire alarm systems for buildings – Code of practice for design, installation, commissioning and maintenance of systems in non-domestic premises \(under review\)](#)
47. [BS 5839–6:2013 – Fire detection and fire alarm systems for buildings – Part 6: Code of practice for the design, installation, commissioning and maintenance of fire detection and fire alarm systems in domestic premises](#)
48. [BS 7273–4:2015 – Code of practice for the operation of fire protection measures. Actuation of release mechanisms for doors](#)
49. [BS 7346–8:2013 – Components for smoke control systems. Code of practice for planning, design, installation, commissioning and maintenance](#)
50. [BS 7974:2019 – Application of fire safety engineering principles to the design of buildings. Code of practice](#)
51. [BS 8214:2016 – Timber-based fire door assemblies. Code of practice](#)
52. [BS 8458:2015 – Fixed fire protection systems – residential and domestic watermist systems – code of practice for design and installation](#)
53. [BS 8524–2:2013 – Active fire curtain barrier assemblies. Code of practice for application, installation and maintenance](#)
54. [BS 8629 – Code of practice for the design, installation, commissioning and maintenance of evacuation alert systems for use by fire and rescue services in buildings containing flats](#)
55. [BS 8644–1 – Digital management of fire safety information. Design, construction, handover, asset management and emergency response – Code of practice](#)
56. [BS 9251:2014 – Fire sprinkler systems for domestic and residential occupancies. Code of practice](#)
57. [PAS 9980:2022 – Fire risk appraisal of external wall construction and cladding of existing blocks of flats. Code practice](#)
58. [BS 9990:2015 – Non-automatic firefighting systems in buildings. Code of practice](#)
59. [BS 9991:2015 – Fire safety in the design, management and use of residential buildings. Code of practice \(current, under review\)](#)
60. [BS 9997:2019 – Fire Risk Management Systems – Requirements with guidance for use](#)

61. [BS 9999:2017 – Fire safety in the design, management and use of buildings. Code of practice \(current, under review\)](#)
62. [BS EN 12416-2 – Fixed firefighting systems – Powder systems – Part 2: Design, construction and maintenance](#)
63. [BS EN 13565-2 – Fixed firefighting systems – Foam systems – Part 2: Design, construction and maintenance](#)
64. [BS EN 15004-1:2019 – Fixed firefighting systems. Gas extinguishing systems – Design, installation and maintenance](#)
65. [BS EN 81-72:2020 – Safety rules for the construction and installation of lifts. Particular applications for passenger and goods passenger lifts – Firefighters lifts](#)
66. [BS EN 671-3:2009 – Fixed firefighting systems. Hose systems. Maintenance of hose reels with semi-rigid hoses and hose systems with lay-flat hoses](#)
67. [BSI Flex 8670 v3.0:2021-04 Built environment. Core criteria for building safety in competence frameworks. Code of practice](#)
68. [PAS 8673:2022 Built environment. Competence requirements for the management of safety in residential buildings. Specification](#)

#### Royal Institution of Chartered Surveyors

69. [Form EWS1: External Wall Fire Review](#)
70. [EWS Form – List of Relevant Professional Bodies](#)
71. [Cladding for Surveyors. Supplementary information paper](#)

#### Housing Health and Safety Rating System (HHSRS)

72. [Local Authority Enforcement Powers under the Housing Act 2004](#)
73. [Housing Health and Safety Rating System \(HHSRS\): Guidance for Landlords and Property Related Professionals](#)
74. [Reducing the risks: the Housing Health and Safety Rating System](#)
75. [Housing Health and Safety Rating System \(HHSRS\) Operating Guidance: Housing Inspections and Assessment of Hazards](#)
76. [Housing Health and Safety Rating System \(HHSRS\) Enforcement Guidance: Housing Conditions](#)
77. [Principles for effective regulation of fire safety in flats](#)

#### TPI Guidance

78. [TPI leasehold advice note – Fire safety in flats](#)

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