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Back ground to Regulatory Reform (Fire Safety) Order 2005 (RRFSO)

25 November 2019

- The old FPA 1971 act, had limited powers and could mainly only be used against the owner of the premises.
- As many properties were investment properties, often the owners lived abroad therefore out the jurisdiction of the Act.
- The RRO was introduced to ensure that prosecutions could be brought against the Landlords and/or Management company as they will be deemed the responsible persons under the act.
- This act was also extended to cover HMO's requiring them to be inspected and have a fire risk assessment completed.

Definition of HMOs

Although the commons areas of all blocks of flats, maisonettes and HMOs are subject to the RRFSO it is important to know if your premises is specifically an HMO because you will have additional responsibilities under the Housing Act 2004.

Houses in Multiple Occupation

A House in Multiple Occupation (HMO) is a property that is shared by five or more tenants who are not members of the same family. HMO landlords must have a licence from the Local Council Housing Department. This ensures that the property is managed properly and meets certain safety standards. The licence will be valid for up to three years, and will then have to be renewed.

Responsible person.

Because the RRFSO applies to HMOs the landlord or managing agent is usually designated as the Responsible Person (RP) under the Order.

The responsible person.

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You are responsible,

For ensuring that your property has a fire risk assessment, and that you act on the findings highlighted in those assessments.

The assessment must be suitable and sufficient and be completed by a competent person.

Where installed the fire alarm should be tested at regular intervals.

Where provided that all fire fighting equipment is serviced and in working order.

That you comply with the local authorities rules and regulations, as well as the RRFSSO.

That you provide and maintain carbon monoxide detection where you have gas appliances, and you hold a current landlords certificate for gas safety.

That the electrical fixed wiring has been tested to the current regulations at the time and should be tested every 5 years.

This list is not definitive and you should ensure that you check with the local fire authority and local housing department to see if you have any other responsibilities.

What happens if I fail to comply?

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Leicester landlord

In October 2014, Mr X, the owner of adjoining properties in Leicester, **was sentenced to eight months' imprisonment for ignoring fire safety regulations.**

In May 2013, the properties caught fire. Firefighters rescued three residents. No proper fire safety measures were in place, there had been no risk assessment and there was no evacuation strategy. The fire alarm, smoke alarms and emergency lights were not working. Fire doors were missing, left open or jammed and a fire extinguisher had not been inspected for 25 years.

Mr X had not implemented the safety warnings and advice given to him a year before the fire. Leicestershire Fire and Rescue Service's head of community safety commented after the case that Mr Patel had shown a shocking lack of regard for residents. The sentence sent a very strong message to the owners and managers of similar properties regarding their legal responsibilities and the likely consequences of ignoring them.

Failure to comply.

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Morecambe landlord

Mr X, the owner of a number of properties in North Lancashire, was fined £10,500 at Preston Crown Court in February 2015 for serious fire safety breaches.

Mr X had put lives at risk at a block of flats despite having been served with a notice by fire safety inspectors. He pleaded guilty to two offences under the RRO. He was fined £10,500 plus £12,000 costs and a £120 victim surcharge.

Note you do not need to have a fire fore the brigade to deem the situation dangerous, and the risk to life, the risk only has to be there, for them to issue legal proceedings.

London landlord

In October 2008 Mr X and his company, XXX company, were sentenced at Wood Green Crown Court for eight serious breaches of the RRO.

The prosecution followed a fire at a flat in Tottenham which was owned by Mr X and the company. A man was removed from the building and later died from his injuries.

Mr X was sentenced to four months' imprisonment. His company was fined £21,000.

The charges were made under the following articles.

Article 9: failing to make a suitable and sufficient risk assessment.

Article 11: failure to make and give effect to appropriate fire safety arrangements.

Article 13: failure to provide appropriate fire fighting equipment.

Article 13: failure to provide fire detection measures, namely adequate smoke alarms in the common part of the premises.

Article 14: failure to ensure that routes to emergency exits, and the exits, were clear.

Article 14: failure to ensure that persons were able to evacuate the premises as quickly and safely as possible. The escape route was not properly protected because the intumescent strip and cold smoke seal were missing from the top edge of the second floor room and there were combustible materials stored in the exit route, including a washing machine, television, clothing and furniture.

Article 14: failing to ensure that there was adequate signage at the premises to indicate the emergency exit and route.

Article 15: failure to establish and give effect to appropriate procedures to be followed in the event of serious and imminent fire.

The Chairman of the London Fire and Emergency Planning Authority is reported to have made the following comments.

This fire resulted in a man dying and highlighted why landlords and businesses must take their responsibilities under the Order seriously.

The London Fire Brigade worked hard to bring irresponsible companies and individuals to court, which could, as this case showed, result in a custodial sentence

Actively seeking prosecution

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Since the fire at Grenfell tower the Fire authorities have stepped up their prosecutions, and have been actively seeking to do this in London FB area.

So that Landlords are aware of the cases and hopefully encourage them to seek assistance if required to be compliant.

We, the University also have a duty of care where we are managing your properties, depending on the wording in the contract will depend whether we would be in dock with the landlord as well.