



## ToP Building Control Ltd

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### A Brief Summary of Roles and Responsibilities under the RRO

Until the introduction of the 2005 Regulatory Reform (Fire Safety) Order in 2006 (**RRO**) fire safety issues were largely controlled by the granting of Fire Certificates by the Fire Officer. These fire certificates are no longer valid but can be a useful reference point.

After 2006 the Fire Risk Assessment became the relevant document rather than the Fire Certificate. The Fire Risk Assessment will judge the property against the relevant current BS Standards.

The RRO lays out the foundation of the fire risk assessment by saying that the "*responsible person*" (*employer, person in control of the building, or the owner*) must take into account for the safety of their employees and anyone else who may lawfully on or near their premises the following matters (to protect their employees and anyone else who may lawfully on or near their premises.):

1. means of detection and giving warning in case of fire
2. the provision of means of escape
3. the provision of emergency lighting to escape routes
4. means of fighting fire (where necessary)
5. the training of staff in fire safety
6. the publication of an "emergency plan" & the "fire safety procedures" for a specific building

The Fire Safety Order then tells the "responsible person" (employer, person in control of the building, or the owner) how they must assess these items in order to protect their employees and anyone else who may lawfully on or near their premises.

1. Carry out a fire risk assessment of your workplace & communal areas in blocks of flats or maisonettes.
2. Identify the significant findings of the risk assessment and the details of anyone who might be at risk in case of fire. Under the Management of Health and Safety Regulations, these must be recorded if more than five persons are employed.
3. Provide and maintain such fire precautions as are necessary to safeguard those who use your workplace
4. Provide information, instruction and training to your employees about the fire precautions in your workplace.

So the current use of an old building by today's occupiers and users has to be taken into account, in arriving at the appropriate general fire precautions.

### Penalties

Enforcement action has been taken by many Fire Authorities. Several owners, and landlords have been taken to court, and heavily fined. A growing number of landlords have been jailed, for persistent breaches of the Fire Safety Order.



Every "real" fire is now followed up by the Fire Authority's fire safety inspectors.

Fire Authorities can following their audit and inspection of any premise may order additional fire precautions or even issue a prohibition notice, to prevent the use of a dangerous building. There are three relevant notices:

- Alterations Notices
- Enforcement Notices
- Prohibition Notices

### **What are relevant notices?**

"Relevant notice" is any notice issued by any enforcing authority which is required by the Environment and Safety Information Act 1988 to be entered into the public register of notices. Under the Regulatory Reform (Fire Safety) Order 2005 there are three relevant notices these are; an enforcement notice, an alterations notice and a prohibition notice.

### **What is an enforcement notice?**

An enforcement notice is a document which is sent to the responsible person from a fire authority stating that the enforcing authority (fire service) is of the opinion that the responsible person or any other person as is applicable has failed to comply with any provision of the Fire Safety Order 2005 or of any regulations made under it.

### **What is an alterations notice?**

An alterations notice is a document which is sent to the responsible person from a fire authority stating that the enforcing authority (the fire and rescue service) is of the opinion that the premises constitute, or may constitute, a risk to relevant persons if a change is made to them or the use to which they are put. The notice must state that the enforcing authority is of the above opinion, and, specify the matters which constitute such a risk. Where a notice has been served the responsible person must notify the enforcing authority of any proposed changes.

### **What is a prohibition notice?**

If the enforcing authority is of the opinion that use of premises involves or will involve a risk to **relevant persons** so serious that use of the premises ought to be prohibited or restricted, the authority may serve on the responsible person or any other person mentioned in article 5(3) a notice (in this Order referred to as a 'prohibition notice').

### **Who is a relevant person?**

A relevant person means any person (including the responsible person) who is or may be on the premises, and, any person in the immediate vicinity of the premises who is at risk from a fire on the premises.

### **Who is the responsible person?**

In the workplace it would be the employer, if the workplace is to any extent under his/her control. In any other premises, then it would be the person who has control of the premises or the owner (as occupier or otherwise) where a trade, business or other undertaking (for profit or not) is carried on.