

What legislation covers fire safety so that I can check that my properties are compliant with Fire Safety regulations?

This depends on the type of dwelling that you own and who occupies the property. Broadly there are up to 6 pieces of legislation dependent on the type of dwelling and who lives there. However, universally from **01st October 2015** the law in England requires landlords to **install smoke alarms on every floor of their property, and test them at the start of every tenancy** as well as installing carbon monoxide alarms in rooms with a solid fuel appliance. This is applicable across all property types so please make note of this.

Below are a number of scenarios to look through -

HOUSES

I own a Rented Single Household (family) Occupation – what applies to me ?

- A. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- AND if in Selective Licensing Area
- B. Licensing Conditions.

I own a Rented Shared house occupied on Joint tenancy by 3 or more persons – what applies to me?

- A. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- B. HMO Management Regulations
- C. Licensing Conditions.

I own a Bedsit occupied by 3 or more persons - what applies to me?

- A. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- B. Fire Safety Order 2005
- C. HMO Management Regulations
- AND if requiring a Mandatory or Additional Licence
- D. Licensing Conditions.

FLATS

Below are a number of scenarios if you own flats in purpose built blocks , converted buildings or individual self contained flats.

The Regulatory Reform (Fire Safety) Order 2005 requires a fire risk assessment to be carried out in blocks of flats or a building containing common parts of two or more dwellings. The duty is on the “responsible person” who will generally be the person responsible for managing the common parts. This can include the freeholder, a Right to Manage Company, a Residents Management Company and also managing agents contracted to act on behalf of any of the above.

You need to be sure whether you are the leaseholder or freeholder. The responsibility for the "common parts" fire safety is either the freeholder or landlord who has responsibility for that part of the premises. You must establish this so you are clear in your mind what is your responsibility.

If you are a leaseholder then please so ensure that you are compliant with any improvements that the freeholder may request to improve fire safety.

Generally the fire service are responsible for **enforcement** of fire safety in communal areas of blocks of flats and **enforcement of fire risk assessments** being carried out correctly.

Common Parts

Purpose Built Blocks

A. Fire Safety Order 2005 – **Fire Risk Assessment needed**

The responsible person for the "common parts" fire safety is either the freeholder or landlord who has responsibility for that part of the premises.

You can see the guidance for common parts of bedsits and converted flats in LACORS guide by clicking here.

https://www.rla.org.uk/landlord/guides/housing_act/lacors_fire_safety.shtml

Converted Flats

Converted flats - **Not a section 257 HMO (See Management Regulations notes for application)**

A. Fire Safety Order 2005 – **Fire Risk Assessment Needed**

Converted flats - **section 257 HMO (See Management Regulations notes for application)**

A. Fire Safety Order 2005 - **Fire Risk Assessment needed**

B. Management Regulations

AND if in Additional Licensing area

C. Licensing Conditions.

Individual self-contained flats (Dwelling behind flat's front door)

Rented - Single Household (Family) Occupation

A. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

AND if in Selective Licensing Area

B. Licensing Conditions.

Rented - Joint tenancy with 3 or more unrelated occupiers

A. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

B. Management Regulations

AND if in Additional Licensing Area

C. Licensing Conditions.

Rented - Bedsits with 3 or more occupiers

A. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

B. Fire Safety Order 2005 – **Fire Risk Assessment needed**

C. Management Regulations

AND if in Additional Licensing Area

D. Licensing Conditions.

Other legislation

Building Regulations PART B will apply if you are having any work done to any of your properties so please be aware of this. You can find out more about PART B building Regulations here -

https://www.rla.org.uk/landlord/guides/housing_act/docs/all/building_regs_and_fire_safety.shtml

Local authorities also use the Housing Health & Safety Rating System ("HHSRS") for enforcement action which covers Fire Safety for all housing types so please also be aware of this. You can find out more about HHSRS and Fires Safety Here -

https://www.rla.org.uk/landlord/guides/housing_act/link-docs/HHSRS.shtml

Please bear in mind that the way in which Fire Safety regulations are actually applied varies from Local Authority area to Local Authority area, which is why it is such a complex topic to advise on. If you are in any doubt please contact the Local Authority where your properties are located for further help.

We are advising all of our members that have properties in designated Selective or Additional Licensing areas to please check with the Council that they have met all of their licencing conditions regarding fire safety measures. This is because again licencing conditions can vary across local authority areas.

You can refer to the RLAs fire safety guide for more information

(https://www.rla.org.uk/landlord/guides/housing_act/firesafety.shtml?zoom_highlight=fire+safety)

IMPORTANT If you own any new build properties in **Wales** please also take note that the law changed in January 2016 and there is now a legal requirement for the installation of sprinklers in all new and converted houses and flats.* You can find out more here - <http://gov.wales/topics/planning/buildingregs/publications/videos-on-part-l-and-b/?lang=en>

High Rise Tower Blocks

There has been a lot of talk in the press about Compartmentation in high rise tower blocks like Grenfell. If you own a flat in a high rise tower block that is owned by either the Council, Arms Length Management Organisation (ALMO), Housing Association or other management company they will need to check that,

- The high degree of fire separation between flats and the common parts is achieved by making each flat a fire-resisting enclosure. The fire resistance of this construction is such that, normally, a fire will burn itself out before spreading to other parts of the building.

The building's elements of structure are required to possess sufficient fire resistance when exposed to a fire of predicted severity to not only prevent fire-spread, but also to prevent structural collapse. It needs to be ensured that the fire-resisting enclosure of flats is maintained to all openings, including:

- flat entrance and other doors
- any internal windows into the access corridor, or any glazing above or around the flat entrance door
- openings in walls and floors for services, such as water, gas and electricity
- vents into shared air supply ducts, but, more commonly, shared extract ducts from bathrooms and sometimes kitchens

Please ensure that you work with the management of the building to ensure that these safety precautions are in place even if it is not your legal responsibility. We recommend full cooperation.

Evacuation strategy

Again the evacuation strategy of the fire at Grenfell Tower was the 'Stay Put' principle based on the Compartmentation of the high rise tower. Although not yet clear with the fire spreading so quickly at Grenfell if this was the correct approach, this principle may be called into question in the light of recent events.

We would advise Landlords who have tenants in high rise blocks that they do not own or manage themselves to contact the local Fire Service and Local Authority who may be reviewing their evacuation policies at this time of high rise blocks of flats to seek advice to pass on to their tenants.

These principles are not just applicable to High Rise Tower blocks - if you have a flat / apartment in a purpose built building we recommend that you look at the Local Government Association's guide to 'Fire safety in purpose-built blocks of flats'.
<http://www.wrap.org.uk/sites/files/wrap/Fire%20safety%20in%20purpose%20built%20flats.pdf>

Is there any guidance available that ensures that I am compliant but is easier to understand?

LACORS was the body which co-ordinated local authority regulators. With the approval of the Department of Communities and Local Government, as well as the Association of Chief Fire Officers, LACORS published Guidance on fire safety in residential accommodation, including single dwellings, shared houses, bedsits, flats and flats which are in multiple occupation. The body itself no longer exists, however the RLA still refer our members to the guidance.

Depending on the type of property it may be subject to the Housing Health and Safety Rating System (HHSRS), the Fire Safety Order, or HMO licensing. Obviously, this can be very confusing. The purpose of the LACORS Guidance is to provide a common set of Guidance for each type of property, (irrespective of which legislation applies, whether it is a single dwelling, a shared house, a bedsit or a flat.

If you would like to look at LACORS guidance you can do so here -

https://www.rla.org.uk/landlord/guides/housing_act/lacors_fire_safety.shtml

What can I provide in my accommodation to help to keep my tenants safe?

From 01st October 2015 the law requires landlords to **install smoke alarms on every floor of their property, and test them at the start of every tenancy**. Mains powered alarms are preferred as the failure rate is much lower than a battery powered alarm.

You can find out more in the RLA's '[Carbon Monoxide and Smoke Detectors Requirements from October 2015](#)' guide.

The government has also published a Q&A booklet for Landlords and Tenants available to download [here](#).

We would also advise that you:

- Provide a fire blanket in the kitchen to allow an occupier to tackle a fire if it is safe to do so.
- Ensure there is a protected and safe means of escape from the property, and that the occupiers can escape from the building without the use of a key.
- Escape windows can provide a second, emergency escape from the first floor.
- Ensure that the area immediately adjacent the cooker is free from flammable materials such as curtains around a window, or wall units.
- Ensure that fitted appliances and equipment that present a possible source of ignition should be correctly installed and maintained.

You can find out more about other HHSRS hazards and how to keep your property compliant using the RLA Safe and Secure home toolkit -

<https://www.rla.org.uk/landlord/safe-and-secure/#homeX>

You can also contact your local fire service who will also be able to give helpful advice on fire prevention.

We would also remind Landlords of the London Fire Brigade campaign 'Total Recalls' to check all white goods in case of faults - <http://www.london-fire.gov.uk/total-recalls/Email-your-mp-white-goods.asp> .

You can find out more information about gas safety and electrical safety from the RLA Safe and Secure home. - <https://www.rla.org.uk/landlord/safe-and-secure/>

I own a flat or house that is a House in Multiple Occupation - what else do I need to do?

Management Regulations

The Management of Houses in Multiple Occupation (England) Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 place requirements on the **managers of all HMOs** (whether licensable or not) in respect of fire safety.

- The Licensing and Management of Houses in Multiple Occupation apply to converted blocks of flats to which section 257 of the Housing Act 2004 applies.
- The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to all other HMOs.

The purpose of the management regulations is not to require additional fire safety precautions but to ensure that existing precautions are **properly maintained**.

Regulation 4 (5) places specific duties on managers of HMOs in respect of fire safety. The manager must ensure that:

- all means of escape from fire in the HMO are kept free from obstruction and maintained in good order and repair;
- any fire fighting equipment and fire alarms are maintained in good working order; and
- all notices indicating the location of means of escape from fire are displayed in positions within

the HMO that enable them to be clearly visible to the occupiers (unless the HMO has four or fewer occupiers).

Regulation 10 (11) places specific duties on **occupiers** of HMOs in respect of fire safety. Every occupier of the HMO must:

- conduct themselves in a way that will not hinder or frustrate the manager in the performance of their duties;

- allow the manager, for any purpose connected with the carrying out of any duty imposed on them

by these regulations and at all reasonable times, to enter any living accommodation or other place

occupied by that person;

- provide the manager, at their request, with any such information as they may reasonably require for the purpose of carrying out their duties;
- take reasonable care to avoid causing damage to anything that the manager is under a duty to supply, maintain or repair under these regulations; and
- comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

If you are a leaseholder in a block of flats owned by another body / management company then please ensure that you are compliant with any improvements that the freeholder may request to improve fire safety.

In addition, landlords should:

- make sure that all the gas appliances they provide are maintained in good order and that a 'GasSafe' registered engineer carries out a safety check each year
- maintain all electrical installations (ie fixed wiring) and any electrical appliances they provide (ie cookers, kettles) and make sure they are safe to use
- make sure any furniture and furnishings they provide meet the fire resistance regulations

We are advising all of our members that have properties in designated Selective or Additional Licensing areas to please check with the Council that they have met all of their licencing conditions regarding fire safety measures.

You can also access the RLA guide to HMO licence conditions and fire safety here - https://www.rla.org.uk/landlord/guides/housing_act/docs/all/hmo_licence_conditions_and_fire_safety.shtml?zoom_highlight=HMO+licence

Can anyone carry out a fire risk assessment, even if I don't own an HMO and I just want to reassure myself and my tenant (s) ?

The RLA generally advise that yes you can but only if you have sufficient experience/training. A Landlord could carry out the risk assessment him/herself provided they were competent to do so but otherwise a consultant or other suitable person with the

necessary competence would have to be engaged. In relatively simple premises the Government believe that a landlord, properly applying themselves should be able to manage the risk assessment.

In light of what has happened in Grenfell Tower we are asking our members when they last carried out a fire risk assessment or had one carried out for them. We advise that landlords should be doing one at least yearly or whenever a new tenancy starts. If you would like to carry out your own Fire Risk Assessment we would recommend that you take a look at the Government Risk Assessment guide here -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422192/9281_Sleeping_Accommodation_v2.pdf

You can also download a useful checklist here -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/14899/fs-ra-5-step-checklist.pdf

You could also contact your local fire service for more information about fire risk assessment, evacuation procedures and general fire safety.

What can my tenants do?

It might be a good time to remind your tenants that there are some things that they can also do to help prevent a fire starting,

- Check that all smoke alarms are in working order. If battery operated replace batteries and check they are in working order. Do not put anything over the alarm such as a plastic bag to stop the alarm going off.
- Do not remove fire extinguishers or blankets if they are provided in the property.
- Advise tenants about the dangers of leaving pans unattended, as well as other lifestyle considerations such as leaving items on or placing items near heaters.
- Be aware of chargers and other electrical appliances being plugged in too long and over heating.
- Do not overload sockets
- Tell tenants to flag up any unusual noises or smells and get them checked out.
- If your tenants live in blocks of flats remind them to familiarise themselves and check the evacuation procedure in case this has changed or has been updated.

Notes

Licence conditions will vary between Councils and they should be contacted to check on whether they have any discretionary licensing schemes (Additional or Selective) and their requirements.

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on 1 October 2015 and applies to all tenancies in England.

You can find out more about all of the regulations and legislation included in this guide here –

A. Building Regulations 2010 Part B. For information about building regulations click here.
https://www.rla.org.uk/landlord/guides/housing_act/docs/all/building_regs_and_fire_safety.shtml

B. Housing Health & Safety Rating System ("HHSRS")
https://www.rla.org.uk/landlord/guides/housing_act/link-docs/HHSRS.shtml

C. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
<https://www.rla.org.uk/landlord/guides/carbon-monoxide-requirements.shtml>

E. HMO Management Regulations -
<http://www.harlow.gov.uk/sites/harlow/files/documents/files/HMO%20Lacors%20fire%20safety%20guidance.pdf>

F. Licensing Conditions – if your property falls under additional or selective licensing areas.

G. Fire Safety Order 2005 -
https://www.rla.org.uk/landlord/guides/housing_act/docs/all/fire_safety_order.shtml