

## New Fire Regulations for 2006



### **What is the new law?**

The new law is officially called Regulatory Reform (Fire Safety) Order 2005.

It comes into force in the Autumn of 2006 and will replace fire certificates and 78 other pieces of legislation.

It will affect all forms of sleeping accommodation and is mandatory for those operating virtually all non-domestic premises (and places of resort in the open air) in England and Wales. Scotland and Northern Ireland will have their own Fire Safety legislation and guides.

For the purpose of the 'self-catering' sector and the interpretation of the new legislation when it comes in to force on 1st October 2006; it should be pointed out that in context 'self-catering' is very similar to a B & B in principle i.e. whether it is a single or multiple units used for the purpose of 'self-catering'; then they will be affected by the new fire safety legislation.

The requirement of a fire certificate for a B&B providing sleeping accommodation for more than six people was laid down in the Fire Precautions (Hotels and Boarding Houses) Order 1972, which brought the premises covered by the Order within the scope of the Fire Precautions Act 1971 as being designated premises for which a fire certificate was required. This is the current legal requirement.

When the Regulatory Reform (Fire Safety) Order comes into force, the Fire Precautions Act, and the designating Orders made under it, will cease to have effect. This means that the requirement as to the number of people for whom sleeping accommodation is provided in a B&B, a hotel, or other boarding house will no longer apply.

### **How will it work?**

The law states that operators must take responsibility for fire safety themselves, so all accommodation operators will have to carry out a fire safety risk assessment, irrespective of the number of people for whom they are providing accommodation, to determine the adequacy of their fire precautions in order to safeguard their guests in the event of a fire. It is the risk assessment which will determine the level of fire safety required in the B&B. The questions they should be asking are whether they have adequate means for giving warning of a fire and means of escape from the premises to a place of safety away from the premises. To answer these questions operators will need to consider the type of guests for whom they are providing accommodation. The needs of children with parents, the elderly and disabled people must especially be considered in order to decide whether your precautions are adequate to warn of a fire and to evacuate people from the premises.

In smaller and simple premises the operator can probably do their own assessment but in large complex premises a trained professional is more likely to be needed. Whatever preventative or protective measures are needed as a result of the risk assessment, these need to be installed and/or maintained by a competent person.

### **So how will cowboys be wheedled out?**

Basically whoever carries out the risk assessment (including operators themselves in smaller businesses) will be liable for anything which is found to be incorrect or if anything goes wrong. Magistrates will be able to impose fines of £5000 for each offence and a Crown Court will be able to impose unlimited fines and up to two years in jail.

Fire officers will carry out spot checks, but these will in the main be risk based assessments and hotels will be seen as been a greater risk, so these will be visited and checked out more often.

### **How will it affect quality assessments?**

When we carry out assessments after Autumn 2006 our assessors can ask for sight of the risk assessment that the operator has carried out. Where this is not available then it is unlikely the operator is complying with the legislation and this will affect the confirmation of a rating.

### **Where can operators get further Information?**

The change in law will be publicised by the government, but VisitBritain and the assessors are trying to do their bit from now on by making as many operators as possible aware of it . VisitBritain will also be putting it into the next edition of the Quality Edge magazine.

OPSI, formerly HMSO have published the act which is booklet number 1541 and the government have produced a guide entitled **Fire Safety Assessment – Sleeping accommodation** available to purchase for £12 or it can be downloaded from their website (details below), but it is over 100 pages. The book is packed with advice and guidance on what to look for. There will also be employers guides. Guides are in two parts (1) steps to approaching the risk assessment – pages of what to do and what to look for and (2) further guidance on the assessment.

The website link for further information is: <http://www.communities.gov.uk/> then click on **Fire and resilience** on the left.