



Fire Safety and Your Business



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Fire Safety and Your Business

OK, so fire safety isn't a sexy subject. Or for all punsters out there, seemingly not a hot topic. The Fire Service used to issue fire certificates and businesses could merrily continue their activities, pretty safe in the knowledge that they were operating safely without the risk of enforcement action.

However, *on the quiet*, the legal requirements in this area and the way they are being implemented and enforced is changing, and businesses of any size ignores these developments at their peril.

The Regulatory Reform (Fire Safety) Order 2005, sought to consolidate fire safety requirements for business in one place. It placed duties on a responsible person, either the employer or person in control of the premises concerned, to take general fire precautions to minimise the risk of fire, and mitigate any fire and its effects if one broke out. The law had changed for the fire authorities, and in a stroke they had become enforcers, not auditors. In a quiet revolution, the legal burden of fire safety had passed to business.

Responsibility for enforcing the new law mainly falls upon a business's local fire and rescue authority. Any workplace which is or is on a construction site will fall under the Health and Safety Executive's remit. And as with so many laws, it took time for the regulators to find their feet, and for business to adapt. And initially regulatory action was minimal.

But beware, because this law has teeth. Inspectors have incredibly wide powers to 'do anything,' (the words of the law, not mine) for the purposes of carrying out the Order. They have powers to

issue: Alterations Notices to ensure fire safety when there is a change of use to the premises; Enforcement Notices to identify breaches and specify remedial steps to be taken; and most seriously Prohibition Notices which could shut down premises and correspondingly your business if the enforcing authority feels that premises constitute such a serious risk to people that they should not be allowed to operate.

And these powers are increasingly being used. What is more, failure to comply is a criminal offence, punishable a fine of up to £5,000 in the magistrates court, but imprisonment of up to two years in the Crown Court and/or an unlimited fine. Even between 2007 and 2008, 29,000 informal notices, 3840 Enforcement notices, and 443 Prohibition Notices were issued. There were also 42 prosecutions. These significant figures have now risen substantially. Anecdotal evidence from both the regulators and health and safety professionals is that there is currently a huge upsurge in enforcement of these provisions.

And it is businesses of any size that are being caught. In June 2009 Shell, the oil giant, was fined £300,000 with £45,000 cost for ignoring fire recommendations for three years and putting its staff at risk. In November of the same year, New Look Retailers were fined £250,000 and £150,000 for failing to provide a 'suitable and sufficient' fire risk assessment and adequate safety training for staff after fire broke out at one of its shops in London's Oxford Street.

And if big business is being

caught out, every size of business needs to assess its fire risks under the Order, review its fire safety precautions and ensure that everything will be done to minimise the consequences if fire breaks out. Such a review is good business practice, can be incorporated into a business continuity plan and may just prevent an unhelpful interruption from the new enforcers.

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