



Businesses Closed Directors in Prison!

Ok, this headline is sensational but plausible and it affects nearly all of us! Last October the law changed and squarely placed the responsibility for Fire Safety at the door of the business owner but over 6 months later many firms have still done nothing. If you haven't complied then you need to make this a priority, there was no grace period and you can be inspected at any time. Jean Howe, Partner at Kirkby & Diamond Chartered Surveyors, looks at the practical approach to compliance.

1. **Does it affect me?** - The order applies to all non-domestic premises. So, if you have 5 or more employees, are an owner of a multiple occupancy house or are responsible for the communal areas in blocks of private flats, this law affects **YOU**.
2. **What if I do nothing?** - Non compliance is a criminal offence. It can invalidate your business insurance, fully or partially close

Fire Facts

- 42% of employers were not aware of their obligations before this act
- There were 40,000 non domestic premises fires in 2006
- Non compliance of the Fire Reform Order can result in; invalid insurance, business closure and up to 2 years imprisonment
- The average consequential cost to business of a fire was £34,400 in 2004

Source: ODPM

your business and, in the case of a disaster, possibly see you imprisoned.

3. **But I have a Fire Certificate** - You can no longer call on the fire service to carry out your fire risk assessment for you. All previous Fire Certificates are now invalid. The responsibility is now yours.
4. **Who can help?** Guidance documents are available from HM Government at www.firesafetylaw.communities.gov.uk. Many businesses are employing a fire safety consultant to assist them in meeting their obligations under this Order.
5. **Who is responsible?** - The first step is to appoint a legally designated "responsible person". That is usually the owner or manager of a business or the owner or managing agent of shared premises. If it is not clear then your local fire authority will decide who this is. He or she will be

required to assess the risks of fire and take steps to reduce them.

6. **What do I need to do?** The "responsible person" must then carry out a fire risk assessment which must focus on the safety of all persons, in particular those at special risk such as the disabled, including consideration of dangerous substances. The purpose of the assessment is to identify and remove risks and implement precautions to protect people. Specific requirements can be advised by your Fire Safety Consultant or from www.fire.gov.uk
7. **What if my building is shared with others?** The "responsible person" must liaise with the other "responsible persons" in a shared premises. There may be other tenants, a landlord or managing agent for the common parts.
8. **Making changes** - You may find that you need to make changes to your building. In this case using a fire safety consultant who is also a chartered surveyor will provide you with access to practical advice and project management skills to implement the recommendations.
9. **The Inspection** - When inspected, which can be without prior notice, if you do not pass you could be issued with one of 3 types of Notice. 1. An Alterations Notice, if the inspector believes the premises pose a risk or could be if changes needed to be made. 2. An Enforcement Notice, specifying problems with a time scale for putting them right 3. A Prohibition Notice, which in extreme circumstances will prohibit or restrict the use of your premises. If you are faced with any of these then the experience of a fire consultant with a chartered surveyor background will help you create an efficient, cost effective solution.

10. **More Advice** - This law came into effect in October 2006 and there was no grace period - so act now! Kirkby & Diamond, with offices in Luton & Milton Keynes, can provide you with fire safety consultancy with the breadth of knowledge gained from being one of the regions' leading Chartered Surveyors.

Kirkby & Diamond Chartered Surveyors provide a FREE half hour consultancy in all property issues. Please call Jean Howe or Colin Hope on 01582 738866. E-mail: advice@kirkbydiamond.co.uk