

SHROPSHIRE FIRE AND RESCUE SERVICE

FIRE SAFETY ADVICE SHEET

Regulatory Reform (Fire Safety) Order 2005 Advice for Shopping Centres

On 1st October 2006, the Regulatory Reform (Fire Safety) Order 2005 (RRO) came into force.

What is the Regulatory Reform (Fire Safety) Order 2005?

The Government has brought about better regulation, by regulating only where necessary and in a manner that is more suited to the needs of modern business and commerce.

The Order, made under the Regulatory Reform Act 2001 replaces many of the references to fire safety in other legislation such as the Fire Precautions Workplace Regulations, Fire Precautions Act, Licensing Act and Housing Acts with a simple, single Order. It requires any person who exercises some level of control in premises to take reasonable steps to reduce the risk from fire and ensure occupants can safely escape if a fire does occur.

What are the main requirements of the Order?

The responsible person is required to:

- Carry out or nominate someone to carry out a fire risk assessment identifying the risks and hazards
- Consider who may be especially at risk
- Eliminate or reduce the risk from fire as far as is reasonably practical and provide general fire precautions to deal with any residual risk
- Take additional measures to ensure fire safety where flammable or explosive materials are used or stored
- Create a plan to deal with any emergency and, in most cases, document your findings
- Review the findings as necessary

Generally the requirements of the RRO will be little different from those imposed under the Workplace Fire Precautions Legislation, in that it will require the **responsible person** to carry out a **Fire Risk Assessment**, produce a policy, develop procedures, provide staff training and carry out fire drills. The RRO contains the phrase 'The responsible person must ... appoint one or more **competent persons** to assist him...'

It goes on to say the competent person must have ‘... Sufficient training, experience and knowledge...’. Where the competent person is directly employed, the responsible person must ensure that he or she is properly trained.

Definitions

Responsible Person: This is the person who owns the premises or business or the person with control over the premises, business or activity. Where two or more responsible persons share responsibility (e.g. tenant/landlord, multiple occupied building or adjacent premises) the responsible persons must co-operate, share information and collaborate to provide safety measures.

Relevant Person: Anyone who is not an employee but is legally on the premises or anyone who is not on the premises but who may be affected e.g. customers in a shop or entertainment venue.

Competent Person: Anyone appointed by the responsible person and could be anyone from a company fire warden to a fire alarm service engineer. They may be directly employed or a sub contractor, but the important word is **competent**.

Fire Risk Assessment: The cornerstone of the RRO is the Fire Risk Assessment. This must be reviewed regularly and if necessary amended. The risk assessment must be formally recorded if the responsible person employs 5 or more people (not necessarily within the same premises) or the premises are licensed.

How do I comply with the Order?

If you are the responsible person you must ensure a fire risk assessment is carried out although you can delegate this task to somebody else. However you will still remain responsible, in law, for complying with the Order.

Co-operation and co-ordination (Regulatory Reform Order - Article 22)

Where two or more responsible persons share, or have duties in respect of, premises (a Multiple Occupied Premises, such as a Shopping Centre) each such person must—

- (a) Co-operate with the other responsible person ... to enable them to comply with the requirements ... of this Order;**
- (b) Take all reasonable steps to co-ordinate the measures he takes to comply with the requirements ... with the measures the other responsible persons are taking to comply with the requirements ... of the Order; and**
- (c) Take all reasonable steps to inform the other responsible persons of the risks to relevant persons arising out of his undertaking.**

If you are an occupier of a Unit within a Shopping Centre you are required to co-operate with the Centre Management and inform them of risks within your unit that may have an effect on their building and the occupants. Your risk

assessment should include the means of escape through the Landlord Controlled Areas, and any relevant information in relation to the risks within those areas that may affect your staff and customers, e.g. maintenance of smoke control and fire safety systems. In addition you are responsible, together with the Centre Management, for ensuring that the means of escape can be safely and effectively used at all material times.

For further information on the Regulatory Reform (Fire Safety) Order 2005 please contact:

- Department for Communities and Local government - www.communities.gov.uk
- Shropshire Fire and Rescue Service - www.shropshirefire.gov.uk

Or for general fire safety matters, Shropshire Fire and Rescue Service can be reached on **01743 260260** or via our web site at **www.shropshirefire.gov.uk**