

SECTION 1

Fire Legislation

The Regulatory Reform (Fire Safety) Order 2005 (RRO)

Introduction

RRO, hereafter referred to as the Order, applies to all premises other than those occupied as single private dwellings. This would in essence apply to all Council buildings including schools, offices, workshops and museums.

Scope of the Order

The Order places a duty on the responsible person to take such general fire precautions to ensure, as far as is reasonably practicable, the safety of all relevant persons. Relevant persons include anyone lawfully on the premises and those in the vicinity of the premises who would be affected by any fire there. The responsible person is the individual in control of the premises and so will usually be the landlord or manager thereof.

General fire precautions include, where necessary:

- measures to reduce the risk of fire occurring
- measures to reduce the spread of any fire through the premises
- measures to ensure the means of escape can be safely used at all times
- fire fighting measures
- means of fire detection and warning
- action to be taken in the event of fire

In order to comply with the duties imposed by the Order the responsible person must carry out a fire risk assessment to identify what fire hazards exist at the premises and what measures have been taken or will be taken to minimise the risk. Further guidance on risk assessment is given in Section 3 and a risk assessment questionnaire is in Section 4.

Inspectors from the Fire and Rescue Authority enforce the provisions of the Order and have certain powers to require information and to enter premises. Regular audits will be carried out by the Fire and Rescue Service, which could result in a satisfactory outcome, give rise to written advice or, potentially in more serious circumstances enforcement action. Under the Order enforcement action entails:

- Serving an alterations notice
- Serving an enforcement notice
- Serving a prohibition notice



Serving an alterations notice

This is used where the Fire and Rescue Authority considers premises to be high risk or to have the potential of becoming high risk should alterations be made or change of use occur. The notice will specify the matters which give rise to the concern and require the responsible person to notify the Authority before making any changes to the premises or the way they are used. The notice will usually require the responsible person to send the Authority a copy of the completed fire risk assessment, together with a summary of the proposed changes to the premises before making the changes.

Serving an enforcement notice

Where the Fire and Rescue Authority is of the opinion that the responsible person has failed to comply with any provision of the Order or is dissatisfied with the risk assessment or action taken under it, it may serve an enforcement notice on that person. The notice will stipulate which provisions it believes have not been complied with and specify the steps required to remedy the failure which the responsible person must take within a given time period (minimum 28 days). It may be specific or may offer alternative courses of action.

Serving a prohibition notice

Where the Fire and Rescue Authority believes that the use of premises involves or will involve a risk to relevant persons so serious that their use ought to be prohibited or restricted it may serve a prohibition notice. The notice will specify the matters of concern and will prohibit or restrict the use of part or all of the premises until those matters are remedied. It may be specific or may offer alternative courses of action. A prohibition notice may take immediate effect if the risk of serious personal injury is considered imminent.

Alternatively, it may take effect after a specified time period. The prohibition notice can be applied to any, or all, parts of the premises.

Failure to comply with any duty imposed by the Order or the requirements of an alterations notice, enforcement notice or prohibition notice is a criminal offence and those convicted will be fined. There is a right of appeal to a Magistrates Court against any notice.

Health and Safety (Signs and Signals) Regulations 1996

These regulations brought into force the EC Safety Signs Directive (92/58/EEC) on the provision and use of safety signs at work. The purpose of the Directive is to encourage the standardisation of safety signs throughout the member states of the European Union so that safety signs, wherever they are seen, have the same meaning.

The Fire Authority has the duty to enforce the regulations in premises subject to the



RRO. However, the Fire Authority enforces the law in relation to fire safety signs only. The enforcing authority in relation to other safety signs is the HSE. A fire Safety Sign is one which:

- provides information on escape routes and emergency exits in case of fire (green)
- provides information on the identification or location of fire fighting equipment (red)
- gives warning in case of fire (red)
- gives an instruction (blue)

Further information relating to fire signs is provided on pages 2-9 to 2-14 of this Fire Log Book.

Licensing Act 2003

The Licensing Act 2003 provides a unified system of regulation for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

It effectively replaces (amongst others) the Licensing Act 1964, Public Entertainments Licensing through the Local Government (Miscellaneous provisions) Act 1982, the Cinemas Act 1985 and The Theatres Act 1968.

The Licensing Authority is the local Council in which the premises is situated and NOT the Licensing Magistrates, who no longer exist.

For the purposes of the Act, licensable activities are:

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- the provision of regulated entertainment
- the provision of late night refreshment

Regulated entertainment, as defined in Schedule 1 of the Act, includes both entertainment and entertainment facilities. In the main, regulated entertainment is:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment (indoors and outdoors)
- a performance of live music
- any playing of recorded music
- a performance of dance



- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

The regulations apply only where the entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience.

There are three forms of licence under the Act. A premises licence, a personal licence and a club premises licence.

A premises or club premises licence will be required for an establishment where a licensable activity is taking place. A personal licence will be required wherever the sale by retail of alcohol takes place.

Where an application is made to the local authority, the Fire Authority on their behalf will carry out an assessment of the fire safety standards in the building and must be satisfied that these are adequate before a license is granted.

Premises licences will specify the time limit and conditions in respect of the activity that is being applied for. It will be necessary to apply for a new licence if any changes to the premises or activities undertaken are made. Personal licences will normally last ten years unless revoked following review.

The purpose of the system for licensing activities is to promote four fundamental objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

An application for a Premises License must be accompanied by:

- an operating schedule drawn up by the applicant and containing those matters required by the Licensing Authority in their Guidance Document
- a plan of the premises in the prescribed form
- a form giving the consent of the person who will be identified as the designated premises supervisor
- the steps proposed to meet the licensing objectives

For further information on the need for licences, the local district council should be consulted.

Where Can Help be Obtained?

For general queries on health and safety matters contact the Corporate Health and Safety Team within Public Protection.

If Managers require any additional information or help on fire safety matters they should contact:





**Northumberland County Council
Fire and Rescue Service
Fire Safety Function**

Telephone: 01670 621140

