

## Fire Risk Assessment For Flat Owners

The Fire Regulatory Reform (Safety Order) 2005 (FSO) has been in force for over four years now. It imposes obligations on the owners of all non-domestic premises in England and Wales to undertake a 'suitable and sufficient' fire risk assessment. Most people assume that the FSO does not apply to any form of residential accommodation. This is not the case.

For instance, in addition to non-domestic and commercial premises, any owner of a freehold residential flat which includes shared common parts i.e. shared entrance(s), shared communal stairs etc owned by them individually, will be required to conduct a fire risk assessment on those common parts under the FSO.

For the purposes of the FSO, the 'responsible person' should undertake a Fire Risk Assessment. In practical terms, for leased premises this is likely to be the Landlord. For freehold flats it is likely to be either the owners of each individual flat, or if they own via a right to manage company (RTM), it will be the directors of the RTM company who will be the 'responsible person'.

If a managing agent has been appointed to manage the building then the terms of their appointment should be checked as it may well fall within their remit to conduct any Fire Risk Assessment on your behalf. If this is the case, it is a good idea to confirm with the managing agent that the appropriate checks are being made as it is the owners who remain accountable under the FSO.

In all instances it is vital that a co-ordinated system is followed to conduct the Fire Risk Assessment.

On the sale of a flat, in which the freehold is owned via a RTM company, it is common practice

for the RTM company (via the directors which inevitably will be the flat owners) to share the cost of preparing a Fire Risk Assessment Report of the common parts. This will benefit each owner if and when they decide to sell their property and will ensure compliance with the FSO.

Any Fire Risk Assessment should deal/identify the following:-

- any fire detection and alarm systems;
- testing and maintenance of any fire detection and alarm systems;
- people at risk (i.e. fellow occupants of the building);
- fire exits and exit plan;
- fire fighting provisions (i.e. extinguishers); and
- any emergency lighting.

Once the fire risk assessment is completed, any person who may be affected by the outcome should be informed of the risk and the action that needs to be taken.

Whilst, it may seem a slightly onerous and costly task to undertake, the reality is that if you do not conduct fire risks assessment then any Buildings Insurance may very well be invalidated. It is also within the Courts remit ultimately to impose a prison sentence for breaches of the FSO.