

BATH AND WELLS DIOCESAN ADVISORY COMMITTEE

FIRE SAFETY

Legislation affecting Church Buildings and activities

The Regulatory Reform (Fire Safety) Order 2005

Why has Fire Safety legislation been changed?

The government was concerned that:

- a number of buildings and outdoor events open to the public were not covered by existing legislation; those using them might be exposed to uncontrolled hazards;
- fire safety legislation was fragmented giving rise to differing requirements; there were complaints that these conflicted with each other and caused extra expense in time and money to provide fire safety.

The principal changes:

1. The new legislation - the Regulatory Reform (Fire Safety) Order 2005 - applies to all buildings other than single domestic dwellings and a few other limited exceptions. It takes effect from 1st October 2006.
2. Compliance with the new legislation covers all responsibilities for fire safety under 'Health and Safety at Work', the Licensing Act 2003 and any other legislative requirement.
3. All persons - workers (including volunteers), visitors or members of the public - in the premises must be taken into account.
4. The principal means of compliance is by 'Fire Risk Assessment' of each individual building - 'Fire Certificates' are no longer used.
5. The local Fire and Rescue Service is the sole 'enforcing authority' for church buildings and outdoor events except those taking place in sports stadia.
6. For each building or site there must be an appointed 'Responsible Person' who carries out the Fire Risk Assessment and oversees the conduct of fire safety measures. They must appoint one or more 'Competent Persons' who assist them in the day to day implementation and monitoring of fire safety matters. (In small organisations the 'Responsible' and 'Competent' Persons may be one and the same person.)
7. For new buildings there will be better communication between the Building Regulation enforcers (usually the local authority) and the local Fire and Rescue Service so that occupiers or owners should not be faced with additional works when they move into the building.

How do these changes affect Churches, Church halls and other church activities?

All churches and church halls are brought under the new legislation as 'places of public assembly'; there are no exceptions.

Outdoor activities, whether acts of worship, garden fetes, fairs or whatever also count as public assemblies, and appropriate fire safety measures must be taken.

Church buildings used as offices, charity shops or the like will have been covered by previous legislation but need to review their arrangements in the light of the new rules. In particular fire certificates will no longer apply.

Churches will therefore need to:

- Appoint a 'Responsible Person' and one or more 'Competent Persons' to assist the

Responsible Person.

- Carry out a 'Fire Risk Assessment' of all buildings and open-air meeting sites, making written records of the Assessment(s) and detailing the physical and management changes needed to make the building(s) comply with the legislative requirements and to keep the Fire Risk Assessment up to date. See below for where to find the legislative requirements and guidance on carrying out Risk Assessments.

Third parties, occupying any part of a church building (such as a charity in office accommodation for example) must also appoint their own 'Responsible Person' and liaise with the church on fire safety measures. Any regular church facility hirer, for example a playgroup, will need to do likewise.

Occasional hirers (e.g. those who hire a church hall for a birthday party) are now legally responsible for conducting their activities in a safe way from fire. There is a need to see such persons are aware of the fire precautions to be heeded and what to do if a fire occurs. You will need to consider changes to your Hire Contract as part of the management of the fire risk.

Churches meeting in a non-church building or complex must see that their 'Responsible Person' co-operates with the owner, landlord and other occupants on fire safety matters and keeps church members informed of what is expected of them.

Guides to the Requirements

The Department for Communities and Local Government (DCLG) have published guides to carrying out risk assessments and the legislative requirements for a range of buildings and activities. There is a general guide called 'A short guide to making your premises safe from fire' which outlines the duties of those responsible for fire safety.

There are more detailed guides for a range of occupancies. Those which mostly concern church buildings and activities are:

- Guide 6 - Small and medium places of assembly (with a capacity of less than 300)
- Guide 7 - Large places of assembly (Capacity of 300 or more)
- Guide 10 - Open air events and venues
- (Guides 6 and 7 also have information on using marquees.)
- Churches that include office and/or shop accommodation in their buildings need to consider Guide 1 - Shops and offices
- Those who run hostels and other living accommodation should refer to Guide 3 - Sleeping Accommodation

These Guides may be downloaded free of charge in pdf file format from: www.firesafetyguides.communities.gov.uk Please note that the guides have between 100 and 200 pages each and will take time to print out. But you may not need to print all pages. A number of diagrams are in colour but are understandable in black and white.

Printed copies can also be bought at £12 each, inclusive of p&p, from:

DCLG Publications,
PO Box 236,
WETHERBY,
West Yorkshire,
LS23 7NB

Tel: 0870 830 7099
Fax: 0870 1226 237

e-mail: odpm@twoten.press.net

The Churches Main Committee (CMC) also has a booklet entitled 'Fire Precautions Guide' at £2 including p&p. This has been updated to take account of the new legislation. Contact the CMC at www.cmainc.org.uk or 020 7898 1878

Vicarages, Rectories & other church housing

These are usually single-family dwellings, and so exempt from the new legislation. But of course members of the public are often admitted to meet with the incumbent or another minister. It is not thought that this will make such buildings 'places of public assembly'. However where a parsonage is directly attached to, or actually part of a church building which does come under the new legislation then the risk assessment of the building should cover the parsonage as well.

Churches who run their own hostels for accommodating church workers and/or visitors will need to heed the new legislation as it applies to 'Sleeping accommodation'.

When do we need to comply?

It is not necessary to have fully complied by the 1st of October this year. You should have by then at the very least the management changes in hand to appoint the 'Responsible' and 'Competent' Persons and a date by which you expect to carry out the 'Fire Risk Assessment'.

The legislation requires 'reasonable and practicable' fire safety precautions to be taken. The DCLG Guides give what they consider to be reasonable and practicable requirements, but in the end it is the courts who will make the final decisions on what is considered 'reasonable and practicable' for any building or site.

Conducting a Fire Risk Assessment

Each of the Guides mentioned above is divided in two parts.

- Part 1 describes the five stages of carrying out a 'Fire Risk Assessment' and the particular points that must be taken into account for the type of premises covered by the Guide.
- Part 2 contains more information, which can be used in making the Assessment and determining what needs to be done.

If a church has someone with experience of similar procedures in Health and Safety at Work, or who is an architect, building surveyor or fire officer, it should be possible for such a person to carry out the Assessment without further assistance. They should either be appointed as the 'Responsible Person' or as a 'Competent Person'

The Guides do not explicitly require background information in the Risk Assessment, but it is sensible that any assessment should start off with an introductory section giving details of the building, its construction, how it is used and existing fire precautions.

Small and simple buildings should be straightforward to assess. But if on reading the appropriate Guide you feel you could not apply the guidance or you have a complex building or site, it may be necessary to employ a third party to carry out or assist with the Assessment. Care should be taken to see that properly qualified people are employed. These may be:

- the church architect or surveyor who conducts the quinquennial survey;
- a corporate member of the Institution of Fire Engineers;
- a person holding a degree in Fire Safety Engineering;
- a company specializing in conducting Risk Assessments.

Where a third party is involved, they need to be accompanied round the building by the churchwardens, priest or other person with a good knowledge of how the building is used throughout the year.

Sometimes, companies selling/leasing fire extinguishers may express willingness to conduct the Assessment. They may not be ideal in that, in particular, their knowledge of building construction

may be inadequate. If, however, they can show that they are properly qualified, they could be considered.

Currently several organisations have arrangements for accrediting those who can undertake risk assessments. These include the Fire Protection Association, The Institution of Fire Engineers and the Loss Prevention Certification Board.

Beware

There is already evidence that smaller workplaces and charitable bodies are being approached by unscrupulous persons making false claims about 'Risk Assessments' under the new legislation. This is either with the intention of making money or possibly as a means of access to the building for later criminal intentions. A basic check is to ask about registration with one of the bodies above and for a sample of a previous Risk Assessment and evidence of Public Liability insurance.

Historic Buildings

Most of the Guides have a short appendix, which acknowledges that older buildings, and those listed by English Heritage, may not be capable of physical alteration to the same degree as newer buildings. Allowance can be made for this by the elimination of risks or by better management of the risks present.

Diocesan Advisory Committee

Quinquennial Inspection Reports will be amended to ask questions about the 'Fire Risk Assessment' rather than the 'Fire Safety Plan'.

Changes to Church buildings

You are reminded that alterations to buildings or their equipment resulting from any Fire Risk Assessment will still require a Faculty.

Fire incidents

Churches who suffer from a fire are requested to inform your Archdeacon and the DAC as soon as possible of the occurrence.

Contacts:

Fire Protection Association,

London Road,
MORETON-IN-MARSH,
Glos,
GL56 0RH

Tel: 01608 812 500
Fax: 01608 812 501

www.thefpa.co.uk

The FPA is an insurers-backed organisation. Besides providing accreditation of those it considers able to carry out assessments, it can carry out assessments with its own staff or consultants. We understand that this is done for a fee based on the size of the building.

The Institution of Fire Engineers,

London Road,
MORETON-IN-MARSH,
Glos,
GL56 0RH

Tel: 01608 812 580
Fax: 01608 812 581

www.ife.org.uk

The Institution of Fire Engineers (IFE) is the professional society for those working in fire safety in both the public and private sectors. It has a Register of Fire Risk Assessors and Auditors who are persons proved to have both knowledge and experience in carrying out assessments.

(Both the FPA and the IFE are based at the Fire Service College.)

The Loss Prevention Certification Board,

BRE Certification,

Garston,

WATFORD,

Herts.

WD25 9XX

Tel: 01923 664100

Fax: 01923 664994

www.bre.co.uk

The Loss Prevention Certification Board is part of BRE Ltd. (formerly the Building Research Establishment) - a 'not-for-profit' company. Like the FPA they not only train and certify people as being qualified to carry out assessments, but their staff can also do assessments, for a fee, of course.

Issued September 2006

With grateful acknowledgements to St Alban's DAC