

# Chapter 1

## The reasons for adequate fire safety measures in non-domestic premises

### The concept of adequate fire safety and our expectations of it

Fire laws to protect the safety of persons within non-domestic premises in the United Kingdom have not come into being by chance.

They have, in the main, arisen as a result of the public and parliamentary clamour that has followed multiple life-loss fires in places to which the public can resort. Although the majority of fire fatalities and fire casualties occur within domestic properties, we must remember that fire deaths and casualties within non-domestic premises would have been much higher within these shores if the local authority fire services had not diligently enforced the fire laws in such places over many years.

It is right and proper that all UK fire authorities strive to reduce and eventually eliminate fire casualties within the home and, indeed, since 2004, local authority fire and rescue services (FRS) have a statutory legal obligation to ensure community safety.

However, whilst fully accepting this, we should not forget that once we step out of our homes and onto public transport, into department stores, cinemas and theatres, football and sporting stadia, hospitals, nursing and residential care homes, hotels and boarding houses, and our places of work to name but a few, we are no longer masters of our own fate nor captains of our own destiny as we invariably are when in our own homes.



Consequently we have a right to expect that those owners, employers and managers of buildings to which the public as well as employees resort, will have constantly exercised their duty of care in order to ensure that our lives are not placed at risk.

As students of that branch of law known as jurisprudence are so well aware, history teaches that human nature being what it is, there will often be a wide chasm between what persons actually do, and what the reasonable man or woman will expect them to do. It can be stated quite categorically, therefore, that fire casualties are, in the vast majority of cases, the end result of a human act or omission.

The concept of self-compliance, in which those who create a risk have to bear the ultimate responsibility and accountability if they breach any legal duties placed upon them, sits at the core of the FS Order 2005.

The local fire and rescue service (the fire authority) is required by the Order to enforce its requirements. However, this new legislation places a great amount of trust and faith in non-fire expert persons to bring about the fire safety of persons by 'self determination' and seemingly assumes that this self-compliance will be as effective in saving lives as the prescriptive regime, employed for decades by the fire service. For those unaware, prescriptive fire safety is a 'recipe' of fire safety ingredients: a recipe derived from a collective and developed practical experience of decades of firefighting and rescue work, which soundly informed its practitioners as to the level and adequacy of the fire safety provisions prescribed by them.

Fire service fire safety staff, the vast majority of whom had been practical firefighters, used their expertise and experience of fire to demonstrably good effect in terms of major reductions in fire casualties in those premises which came within the scope of the existing fire safety laws.

The most effective fire safety law in which a prescriptive concept was used was that of The Fire Precautions Act 1971/87 certification process which was repealed on 1st October 2006. It had its detractors but, with only a few exceptions, it saved lives.

The FS Order 2005 that replaces it applies to virtually all non-domestic premises in which persons, including the self-employed, are at work at any one time. Unless those charged with their responsibilities under this Order fully understand what terms and words mean, they will find it difficult to effectively fulfil their legal duties.

This makes it all the more imperative that the law, and the terms and words used within it, can be understood as much as possible. We all should know that in English law, ignorance of legislation cannot be used as an excuse.

Wherever possible in this book, terms and words will be clarified, but a caveat must be given in respect of any fire safety law discussed which is that **it is only the courts who can ultimately interpret what those who drafted the legislation actually meant.**

However we can still clarify as far as it is possible to do, based on practical experience and past case histories, the likely meaning of a term or word. If any doubt exists as to whether a 'misinterpretation' might place occupants of a premises at undue risk, it will be prudent to err on the side of caution.

Because an appreciation and understanding of terms are so important, a comprehensive glossary has been provided at the rear of this book.

NB: It is imperative that all persons to whom Statutory Instrument 1541-2005 applies, read the full text of the SI which is relevant to them and to the premises with which they are concerned and within which they hold any responsibility for the fire safety of persons.

## The objectives of fire safety provisions

The Fire Risk Assessment (FRA) and its findings determine the degree of fire safety provisions assessed by a competent person as being reasonably adequate relative to the circumstances of the case and which will ensure that employees in premises will be able to:

- Know how to prevent fires occurring
- Know what to do on hearing the fire alarm
- Know what actions to take on discovering fire or smoke
- Know which fire extinguishers to use on different types of fire and how to use them
- Know the location of all fire exits and how to direct non-employees to safety
- Know where the assembly point is after safely evacuating the premises
- Know that they must not use lifts or re-enter a building until authorized

The end result of the above is that the potential for fires to occur is reduced or eliminated but, if fire does break out, all occupants will be able to escape from any premises by their own unaided efforts and reach a place of safety outside of the premises without sustaining any physical injury from fire and smoke.

### A key point to always remember

The absence of incident does not necessarily indicate the presence of safety OR the fact that your premises have not ever had a fire does not mean that there are no fire risks and that fires will not happen.



The following chapter provides accounts of the sorts of tragic and costly fires from which our world-renowned fire safety reputations have arisen. All employers, company directors, managers and anyone who is caught by the definition 'responsible person'

under the FS Order 2005, would do well to remember that the only way in which the potential for a repetition of those fire disasters can be reduced is to **never become complacent** about any aspect of fire and safety.

*'But we have been here in business for 30 years and never had a fire,'*

said the proprietor to the fire service officer.

*'Then, Sir, you are 30 years nearer to having one,'*

the fire officer replied.