



ADUR & WORTHING  
COUNCILS

**Commercial Fire Safety Advisory, Fire Risk Assessment and  
Health & Safety Assessment Services Policy**

**Version 1  
July 2023**

# Commercial Fire Safety Advisory, Fire Risk Assessment and Health & Safety Assessment Services Policy

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# **ADUR & WORTHING COUNCILS - COMMERCIAL FIRE SAFETY ADVISORY, FIRE RISK ASSESSMENT AND HEALTH & SAFETY ASSESSMENT SERVICES POLICY**

## **GENERAL INTRODUCTION**

Few people will experience the effects of a fire and even fewer will be personally involved in one. Fire and accidents continues to be one of the most destructive, disruptive and costly occurrences that affects businesses, homes and lives.

All fires and accidents are caused, they do not just happen and they may result either from acts of carelessness, or a lack of knowledge or awareness of the hazards and implications.

Fire and accidents must be taken seriously by all as they may happen at any time. Fire safety and health & safety needs to be part of any business process. Fire safety and health & safety needs to be seen by all and everyone must play their part in managing and controlling fire and accidents and their consequences.

Therefore it is important that a service is offered to assess, identify and inform businesses of the hazards and likely risks of fire and health & safety issues.

## **COUNCIL MESSAGE**

Fire safety and health & safety provisions within a building can be easily compromised by a lack of management and awareness. One of the most common causes of death and injury is not taking appropriate action upon the discovery of a potential hazard in order to reduce the risk. The loss of a business or home can have a huge social and financial impact on the local community which can in turn increase the demand on Council services.

Therefore Adur & Worthing Councils decided to set up a commercial role within its fire safety service in order to assist businesses, housing providers and other commercial ventures in reducing the hazards and risks of accidents and fires in their premises.

## **LEGAL OBLIGATIONS AND DUTIES**

All commercial assessments carried out by Adur & Worthing Councils will be in accordance with the following legislation, regulations, and British and European standards:

- Regulatory Reform (Fire Safety) Order 2005
- Fire Safety Act 2021
- Fire Safety (England) Regulations 2022
- Building Act 2022

- Housing Act 2004
- The Health and Safety at Work Act 1974
- Furniture & Furnishings (Fire Safety) Regulations 1988
- Electrical Equipment (Safety) Regulations 2016
- Electrical Safety Standards 2020
- BS7671:2018 - 18th Edition Wiring Regulations
- NICEIC Accreditation
- The Smoke Free (Premises & Enforcement) Regulations 2006
- Health & Safety (Safety Signs and Signals) Regulations 1996
- Gas Safety (Installation and Use) Regulations 1998
- Gas Safe Register
- The Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)
- Asbestos Regulations 2012
- Approved Document B Building Regulations 2020
- BS9999:2017 (Non-Residential) Code of Practice for Fire Safety in the Design, Management and Use of Buildings
- BS9991:2015 (Residential) Code of Practice for Fire Safety in the Design, Management and Use of Buildings
- Regulation 38 - Fire Safety Manual (This will only apply to new or refurbished buildings since 2010)
- PAS9980:2022 - Fire Risk Appraisal of External Wall Construction and Cladding of existing Blocks of Flats.
- BB100: Design for Fire Safety in Schools (2007)
- BS476: 1987 - Fire Tests
- BS5266-8:2016 - Emergency Lighting
- BS5839-1:2017/BS5839-6:2019 - Fire Alarm Systems
- BS8214:2016 - Intumescent Strips & Cold Smoke Seals
- BSEN1935:2002 - Hinges & Ironmongery
- BSEN1154:1997 - Self Closing Devices
- BSEN1634-1:2014 & BSEN13724:2013 - Letterboxes
- BS5499-4:2013 - Emergency Directional Signage
- Health & Safety (Signs & Signals) Regulations 1996
- BS59251:2014, BS8458:2015, BSEN12845:2015, BSDD252:2002 - Sprinkler & Mist Systems
- Code Compliant Automist Systems
- BS9990:2015 - Dry Risers
- BSEN/IEC:62305:2012 - Lightning Protection
- BSEN50172:2005, BS5266-8:2004 & BSEN12101 - Smoke Ventilation Systems
- BS5306-3:2017 - Portable Fire Fighting Equipment (Fire Extinguishers)
- Legionella Control Association Register
- Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- Water Act 2014
- Provision and use of work equipment regulations 1998 - PUWER
- Lifting operations and lifting equipment regulations 1998 - LOLER
- RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013)
- Guidance - Fire Safety in Purpose Built Blocks of Flats (2011)
- Guidance - LACORS - Housing - Fire Safety (2008)
- Guidance - RC 59: Recommendations For Charging Electric Vehicles (2021)
- PAS79-2 - Code of Practice

## **RESPONSIBLE PERSONS**

Adur & Worthing Councils:

The Chief Executive will assume responsibility for legal validity and ultimate responsibility of any commercial assessments as well as the conduct of the Assessors.

The Assessors are responsible for ensuring that they act in a courteous and professional manner in accordance with Adur & Worthing Councils and client's code of conduct.

The Client:

Adur & Worthing Councils expect clients to follow the term 'Responsible Person' set out in accordance with the meaning given in the Regulatory Reform (Fire Safety) Order 2005.

The 'Responsible Person' is the person with responsibility for the building and means:

- a. in relation to a workplace or if the workplace is to any extent under their control;
- b. in relation to any premises not falling within paragraph (a) -----
  - (i) the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him/her of a trade, business or other undertaking (for profit or not): or
  - (ii) the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of trade, business or other undertaking.
  - (iii) Self-employed with business premises.
  - (iv) A charity or voluntary organisation.

Adur & Worthing Councils will assume that any information and documentation supplied by the client (Responsible Person) which has a bearing on an assessment is current, true and accurate and is not misleading.

## **COUNCIL RESPONSIBILITIES**

Adur & Worthing Councils will ensure that the service provided is accurate, fair and impartial and will ensure that all fire safety advice, fire risk assessments and health & safety reports are carried out in accordance with legislation, regulations and British and European standards. They will also ensure as far as is reasonably possible, that its Assessors will act in a courteous and professional manner. The commercial service is a not for profit organisation and will promote the policies and values of the Council.

## **CHIEF EXECUTIVE (CLT)**

The Chief Executive assumes overall responsibility for legal validity of the commercial fire safety advisory, fire risk assessment and health & safety assessment services.

## **DIRECTOR FOR PLACE (CLT)**

Is responsible for the conduct of the commercial fire safety advisory, fire risk assessment and health & safety assessment services.

## **HEAD OF PLANNING - REGENERATIVE DEVELOPMENT (CLT)**

Is responsible for the overall strategy of the commercial fire safety advisory, fire risk assessment and health & safety assessment services.

## **BUILDING CONTROL PARTNERSHIP MANAGER**

Is responsible for the management of the commercial fire safety advisory, fire risk assessment and health & safety assessment services.

## **COMMERCIAL ASSESSORS**

Will liaise with clients and book up site visits for the assessments. They also produce the fire risk assessments and health & safety reports as well as maintain all appropriate records, files and invoices for all work carried out. In addition, the Assessors review building consultations and liaise with external bodies and organisations. All Assessors are fully qualified with appropriate training and qualifications. The Assessors are managed by the Building Control Partnership Manager.

## **HEALTH & SAFETY BOARD**

The Commercial Assessors produce update reports for the Health & Safety Board and attend the Health & Safety Board meetings. There are six Health & Safety Board meetings and reports per annum.

## **ANNUAL SERVICE REVIEW**

The commercial service is reviewed on an annual basis just before the end of the financial year by the Building Control Partnership Manager. This review involves updating the price list and fees of the service as well as targets met, income generated, training, technology and any other concerns or issues.

## **INSURANCE**

The commercial service and Assessors are covered by Adur & Worthing Councils public liability insurance. This means all site visits, advice, assessments and reports as well as the safety and well being of the Assessors whilst carrying out their role in the capacity for Adur & Worthing Councils are covered.

## **FIRE SAFETY ADVICE, FIRE RISK ASSESSMENT AND HEALTH & SAFETY ASSESSMENT DUTIES AND RESPONSIBILITIES**

Adur & Worthing Councils provide a commercial service consisting of fire safety advice, fire risk assessments, health and safety reports. The duties and responsibilities are that all services offered will be carried out in accordance with relevant legislation and regulations by qualified Assessors.

### **WHAT IS FIRE SAFETY ADVICE?**

Fire Safety Advice is general fire safety information provided within the scope of the Regulatory Reform (Fire Safety) Order 2005, Fire Safety Act 2021 and Fire Safety (England) Regulations 2022.

### **WHEN WILL FIRE SAFETY ADVICE BE UNDERTAKEN?**

Fire Safety Advice is undertaken when a Fire Risk Assessment is not warranted by a commercial client. This is carried out in the form of a site visit, phone call or email. No assessment or report is produced when Fire Safety Advice is provided.

### **WHAT IS A FIRE RISK ASSESSMENT?**

A Fire Risk Assessment is a systematic process of ensuring that there is adequate control over a building and structure together with its fire safety systems, procedures and processes. It is intended to ensure that the risk of fire is reduced and that there is a means of raising an alarm in the event of a fire, a means of fighting the fire and safe evacuation arrangements for all occupants.

A fire risk assessment ideally includes two complementary areas:

1. **Building Systems Provision:** This process reviews the fire systems provision such as number of exits, fire alarm systems, fire compartments, fire resisting structures, etc.

2. **Process Assurance:** This process reviews the way in which people implement a Fire Management Plan and how it maintains the standards. It is in effect an audit of the day to day management issues such as fire prevention, maintaining the means of escape, fire safety training etc

### **WHEN WILL FIRE RISK ASSESSMENTS BE UNDERTAKEN?**

A Fire Risk Assessment will be undertaken when required in accordance with the Regulatory Reform (Fire Safety) Order 2005, Fire Safety Act 2021 and Fire Safety (England) Regulations 2022. The only types of Fire Risk Assessment carried out from the below list will be Type 1 and 3. The type of fire risk assessment used will be agreed with the client:

- Type 1 - Non-Destructive Inspection of only the Communal Areas.
- Type 2 - Destructive Inspection of only the Communal Areas.
- Type 3 - Non-Destructive Inspection of All Areas within the property.
- Type 4 - Destructive Inspection of All Areas within the property.

Adur & Worthing Council will not carry out a Type 2 and 4 Fire Risk Assessment. The client will be required to contract a specialist fire risk assessor for Type 2 and 4 fire risk assessments. The client must also supply their own contractor to access the building fabric and to carry out an asbestos survey prior to the commencement of any inspection.

The Fire Risk Assessment includes a physical inspection pertaining to areas of the property with regards to life safety. All findings are based only on visual observations. The Responsible Person(s) should be aware of the following limitations in accordance with the scope of the work:

- The assessment does not include entering areas which would risk the safety of our operative or where access could not be gained.
- The Assessor has the right to refuse commencement of any Type of fire risk assessment where there is a health risk.
- No access has been made to flats, flues, lift shafts, ducts, voids, lofts, basements or any similarly enclosed spaces where access would require the use of specialist equipment or tools.
- The assessment is based on the condition of the building and the information made available at the time of the inspection.



The Assessor reserves the right to refer to any relevant local authority department any conditions that may be later identified as a hazard.

The Fire Risk Assessment must be reviewed on an annual basis or renewed whenever there is a substantial material alteration. For example, this would apply when a building is refurbished or structurally altered.

### **WHAT IS A HEALTH & SAFETY ASSESSMENT?**

A Health & Safety Risk Assessment is designed to highlight all the relevant Health & Safety issues pertaining to a premises under the Health & Safety at Work Act 1974.

### **WHEN WILL HEALTH & SAFETY ASSESSMENTS BE UNDERTAKEN?**

A Health & Safety Risk Assessment will be undertaken in accordance with the Health & Safety at Work Act 1974. The Health & Safety Assessment will include a physical inspection pertaining to areas of the property with regards to life safety. All findings are based only on visual observations.

### **DUTIES AND RESPONSIBILITIES OF THE ASSESSOR**

The Assessor will carry out site inspections, provide advice and write up reports which are sent to clients electronically. The Assessor will also communicate with clients via email, maintain commercial spreadsheets and files relating to commercial premises.

### **DUTIES OF THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

West Sussex Fire and Rescue Service has the legal responsibility for ensuring that all workplaces and communal areas in residential premises comply with the requirements of the Regulatory Reform (Fire Safety) Order 2005.

### **DUTIES OF THE FIRE SAFETY ACT 2021 & THE FIRE SAFETY (ENGLAND) REGULATIONS 2022**

The Fire Safety Act 2021 and Fire Safety (England) Regulations 2022 state that the Responsible Person must assess, manage and reduce the fire risks posed by the structure, external walls (including cladding, balconies and windows) and in any common parts of the building including all doors between domestic premises.

## **DUTIES OF THE HEALTH & SAFETY AT WORK ACT 1974**

The Health & Safety Risk Assessment is designed to highlight all the relevant Health & Safety issues pertaining to a premises under the requirements of the Health & Safety at Work Act 1974.

## **PRICES & FEES**

Prices and fees for the commercial service are assessed on an annual basis by the Commercial Assessors, Building Control Partnership Manager and Head of Planning. Prices and fees put up in accordance with the Adur & Worthing Councils' agreed price increases. Prices and fees must obtain approval from the Health & Safety Board before any implementation. All prices and fees are available for viewing on the Adur & Worthing Councils website.

## **DISPUTES & ARBITRATION**

The client may issue a complaint against a Commercial Assessor. Adur & Worthing Councils have a duty to investigate any complaint and take appropriate action, if warranted, in accordance with Adur & Worthing Councils' Complaints procedures.

## **EPILOGUE**

This policy will be reviewed every three years and updated as necessary or if there is a reason to suspect that it's no longer valid or if there has been a significant change within Adur & Worthing Councils and/or updates to, changes and introduction of legislation, regulations and standards.

<b>Version Number</b>	<b>Date</b>	<b>Alteration</b>	<b>Reviewer</b>
Version 1	July 2023	Policy written following an audit by Mazars	RZ

## **DATE OF NEXT REVIEW**

July 2026