



# Fire safety: risk prioritisation in existing buildings

CIEH response to a call for evidence by MHCLG

February 2020

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## **About the Chartered Institute of Environmental Health (CIEH)**

CIEH is the professional voice for environmental health representing over 7,000 members working in the public, private and third sectors, in 52 countries around the world. It ensures the highest standards of professional competence in its members, in the belief that through environmental health action people's health can be improved.

Environmental health has an important and unique contribution to make to improving public health and reducing health inequalities. CIEH campaigns to ensure that government policy addresses the needs of communities and business in achieving and maintaining improvements to health and health protection.

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## Key points:

Environmental health practitioners have a wealth of experience of dealing with safety issues in different types of buildings, especially buildings that are not classified as high rise but are multi-use and multi occupancy. We have gathered comments from our housing advisory panel to inform this response.

A more consistent approach is needed to risk rating and monitoring fire risks within Section 257 Houses in Multiple Occupation (HMOs). The definition of these types of HMOs relies on a percentage of flats within a building being privately rented. This definition should be removed as local authorities do not have an up to date or accurate register of privately rented properties within their areas.

Apart from height, a number of other factors will influence the level of risk within a building. In particular, the building fabric and any alteration work done to the building, the management systems in place and competencies of persons appointed to manage the fire safety, as well as the type and level occupancy, will all impact on the risk and the potential harm of a fire.

An update to the LACORS guidance would be welcomed by environmental health practitioners. However, any such update should carry endorsement from Government or a statutory status and be detailed enough to deal with a variety of different building types. It also needs to align with the recently updated BS5839 Part 6.

### **3. Do you agree that a case by case risk-based approach should be taken for existing buildings?**

Yes. However, whilst every case is different, some more detailed worked examples, set standards and statutory guidance would be helpful to environmental health practitioners and other enforcement professionals.

We have previously raised our concerns with the definition of Section 257 Houses in Multiple Occupation (HMOs, in response to the Judith Hackitt inquiry. Section 257 HMOs are buildings, which have been split into blocks of flats, but where building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them. However, less than two thirds of units must owner occupied for a building to be defined as Section 257 HMO and thus to come under duties in the Housing Act 2004.<sup>1</sup> These buildings were specifically defined in the Housing Act 2004 out of recognition that these often present a higher risk to the occupiers due to the sharing of responsibilities and inter-dependence between the unrelated occupiers when it comes to fire safety. However, in the absence of a national register of privately rented property, basing the definition of Section 257 HMOs on the ratio of units being rented out, makes it difficult for local authorities to keep track of these buildings as tenure ratios can change frequently. Any residential building in multiple occupation has a high risk for the occupiers if it has never met building regulations relating to fire safety, as fire separation between different units may be compromised or non existent.

### **4. What factors, aside from height, do you think should be considered when classifying building risk? Please provide evidence to support your answer.**

Apart from building height, there are three key factors that need to be taken into account in order to classify fire safety risks in buildings. These are the physical building itself and any alterations made, the management of the building and the types of occupancy. We discuss each of these in more detail below.

#### **Building and physical alterations**

Building design will be an important consideration for fire safety. Consideration should be given as to whether alterations to the building have been made since it has been built and whether these alterations would meet current building control for fire safety. This involves appropriate fire separation between units when these have been divided and fire separation between the fire escape and the rest of the dwelling. However, a member of our expert panel also mentioned a case where building control approved alterations to a property, which suffered from a subsequent fire. Upon investigation, all the problems stemmed from the alterations when the house was converted into flats. The contractors also breached the fire wall separating the house from the one next door, resulting in the fire spreading into the neighbouring property too. The quality of the work was of a low standard and was not picked up by building control.

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<sup>1</sup> [https://www.tmbc.gov.uk/\\_data/assets/pdf\\_file/0012/13053/Landlords-Guide-to-the-Management-of-Section-257-HMOs.pdf](https://www.tmbc.gov.uk/_data/assets/pdf_file/0012/13053/Landlords-Guide-to-the-Management-of-Section-257-HMOs.pdf)

The presence and effectiveness of fire detection and alarm systems is an obvious factor to consider. Different parts of a building could have separate alarm system, due to different ownership and different uses of a building. This increases the risk of harm due to fire.

The means of escape is another important factor. The reliance on a single escape route in Grenfell Tower was a major factor in the scale of the tragedy. In smaller multi-occupied buildings, a number of considerations could affect the safety of escape routes. Final exits might not always lead to a place of ultimate safety. This is the case with a small back yard, where people still cannot escape. All doors on the escape route must have thumbturn locks so that these are not reliant on people trying to find keys to escape the building. Where there is a mix of domestic and commercial uses in the same building, the means of escape could be via the commercial premises or be immediately adjacent to it. A commercial property with catering or cooking facilities is significantly higher risk, for example.

### **Management**

The competence of management and the complexity of the arrangements for decision-making and maintenance responsibilities should be taken into account when assessing the risk of a building. The competence of responsible persons can be ascertained in terms of how well the person responsible maintains, repairs and keeps the property in good condition. Compliance with other housing standards and management regulations, as laid out in the two sets of Houses in Multiple Occupation (HMO) Management Regulations could be good indicators.

### **Occupancy**

The occupancy of a building will contribute significantly to the risk of harm from a fire. The density of occupation, room sizes and crowding should all be considered. Behavioural issues associated with the quality of the accommodation are also a factor. For example, adequacy of storage space within units of accommodation may mean common parts are used for additional storage. The use of portable heating appliances to compensate for poor or inadequate heating provision has a higher associated risk of fire. Fuel poor households sometimes use unconventional and dangerous forms of heating and appliances, such as using gas hobs for space heating. Other vulnerabilities of the occupiers could also play a role, including the extent to which occupation may include persons with vulnerabilities, mental health issues, including drug and alcohol dependency. Low end properties tend to house more vulnerable and low income groups.

When dealing specifically with shared accommodation, such as HMOs and bedsits, the relationship between the occupants is important to consider. The risks are lower if the occupants form part of a coherent group. This is most likely the case if the tenants have a single tenancy agreement, are responsible for recruiting replacement tenants rather than the landlord or someone else performing this role, and whether they have locks on each door. In HMOs, the utilities arrangement can contribute to a serious hazard. Some of these properties have top up meters when housing vulnerable tenants on single tenancies, so a situation can arise where no one tops up the meter creating multiple hazards including fire

safety – i.e. no working fire detection, no lights, no hot water, no heating. Our members have had to take emergency remedial action to amend these types of arrangements.

**5. How significant do you consider height to be when classifying building risk? Please provide evidence to support your answer.**

Once building is three storeys high, windows can no longer be used a means of escape so anything above this height will have a higher risk to occupiers. This is reflected in current building regulations for alternations to existing dwellings. When an extra storey is added to a two-storey house, mains powered smoke alarms and fire doors are required to provide a reliable alarm system and a safe means of escape.

**6. Please specify areas the research on the prioritisation of risks in buildings should consider.**

The following topics could be useful avenues for research:

- Relationship between active and passive safety controls
- Relationship between risk and vulnerability
- Relationship between risk and compliance with other housing related hazards, such as the Housing Health and Safety Rating System
- Accurate data in respect of fire incidents, including their causes, type of building and occupancy
- Qualifications of contractors

**7. Please specify approaches and evidence the research should consider when prioritising action between different buildings.**

Occupancy of a building has a major role to play in determining the risk and potential harm of a fire. Buildings should be defined as being higher risk when multi-occupied dwellings are utilised for placements by agencies acting for vulnerable client groups, including the homeless, care leavers, recent migrants, those with drug and alcohol problems and other mental health issues.

The physical integrity of the building fabric should also be a key factor, including any alteration work done to a building that later affected its fire integrity and fire separation.

Examples of good and poor fire arrangements can be found on the DASH website, which has a number of detailed fire layouts.<sup>2</sup> This type of detailed mandatory requirement would help with enforcement.

**8. Please provide innovative ideas and supporting evidence of approaches to assessing risk in existing buildings.**

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<sup>2</sup> <https://www.dashservices.org.uk/Resources/31-Fire-Plans>

Introducing a mandatory fire risk assessment for all private rented sector dwellings, especially HMOs would be useful. The powers in the Regulatory Reform (Fire Safety) Order 2005 is limited for local authorities and is only enforced by the fire service.

Too many fire reports and assessments are produced from access only to the common parts of buildings, with assumptions being made about the interiors of the flats. Experience of fires resulting from dwellings, where internal alterations have been made, suggests that more visual inspections are needed for all parts of buildings, especially where these have been converted or divided without meeting current standards. Better guidance and legal standards on fire doors would be useful, including retro fitting, repairing and painting fire doors.

LACORS guidance on fire safety is still being widely used by local authorities and enforcement teams to assess fire risks in different types of dwellings. This guidance should be updated as soon as possible. As well as filling an important gap in terms providing detailed information on what should be expected in different types of dwellings, this guidance also had Ministerial endorsement when it was first produced, which contributed to its wide use. Any update of this guidance needs a similar status to ensure widespread adoption. It should also be noted that BS5839 Part 6, which was updated in April 2019, currently conflicts with LACORS guidance because it imposes higher levels of detector requirements in some premises, such as single occupancy rentals, but appears to relax testing of such systems by relying on people to follow manufacturer's recommendations.