



## **Fire Safety Guidance for City of Edinburgh Council Licensed HMO Premises**

This guidance note is provided to give advice to owners, agents, property managers or any other person who has responsibility for fire safety within HMOs.

It should not be read in isolation and does not replace the recommendations of an adequate Fire Safety Risk Assessment or the information available within the Sector Specific Guidance documents produced by the Scottish Government, which provide benchmark standards for fire safety within relevant premises.

This note should not be considered as the definitive answer for all fire safety requirements within HMOs and, in any case of uncertainty, advice should be obtained from a competent fire safety specialist.

The guidance contained within this document is applicable to most HMO properties (individual flats) within Edinburgh. However, for larger or more complex premises, such as purpose built blocks, additional or more stringent measures may be required.

HMOs fall within the scope of Part 3 of the Fire (Scotland) Act 2005 due to the granting of a licence, which makes them a 'relevant premises' under the act.

The Scottish Fire & Rescue Service has independent responsibility for enforcing the Fire (Scotland) Act and therefore the fire safety legislation applicable to HMOs. Although this is carried out in conjunction with, it is separate from, the Local Authority licensing regime.

It should also be borne in mind that certain standards required by the Licensing Authority or Building Control may differ to and, in some cases, could exceed the requirements of the relevant sector specific guide. However, where a requirement or condition is placed upon a premises by the SFRS with regard to fire safety, which is more stringent to that imposed by the afore mentioned departments, then this will be the standard to be followed.

The main Sector Specific Guidance document for HMOs are:

- Practical fire Safety Guidance for Existing Premises with Sleeping Accommodation

<http://www.gov.scot/Topics/Justice/public-safety/Fire-Rescue/FireLaw/FireLaw/SectorSpecificGuidance>

Additional guidance can be found in the 'Technical Handbook 2015 – Non-Domestic'

<http://www.gov.scot/Topics/Built-Environment/Building/Building-standards/publications/pubtech/th2015nondomcomp>

## Fire Safety Risk Assessment

Employers, landlords, agents, managers and any persons with control to any extent of the premises, including its owner(s) in some cases, have duties in respect of fire safety of the premises. It is a legal requirement to carry out a fire safety risk assessment (FRA). This forms a crucial element in the overall safety policy for the premises. It is essential that the risk assessment is specific to *fire safety* and to the *premises concerned*. An overall generic risk assessment will not be sufficient. It is essential that the person who undertakes the fire safety risk assessment is proficient to do so.

**Persons can be considered proficient where they have sufficient technical training and experience or knowledge, both to carry out a fire safety risk assessment and understand fully the procedures and management involved and to undertake properly the measures referred to in the relevant guidance documents.**

Risk assessment in complex premises may require the assessor to have a greater level of knowledge and expertise.

As HMOs are licensed under an Act, the duty holder is required to record the significant findings of the FRA. These significant findings should be made available to all relevant persons.

Advice on the requirements of the FRA can be found in the appropriate Sector Specific Guide or on the Scottish Government website at:

<http://www.gov.scot/Topics/Justice/policies/police-fire-rescue/fire/FireLaw/GeneralGuidance/FireSafetyRiskAssessment>

**A review of the fire safety risk assessment should be carried out regularly.** In addition, if the findings of the fire safety risk assessment are considered to be no longer valid or there has been a significant change in the matters to which it relates, such as a change to the premises that has affected the risk or the fire safety measures, the assessment should be reviewed.

Other such changes that might prompt a review include:

- A change in the number of people present or the characteristics of the occupants including the presence of people with some form of disability;
- Alterations to the building, including the internal layout;
- Significant changes to furniture and fixings;
- The introduction or increase in the storage of dangerous substances; or
- Becoming aware of shortcomings in fire safety measures or potential improvements.

**The Fire & Rescue Service do not carry out fire safety risk assessments on behalf of duty holders.**

## **Managing Fire Safety**

The duty holder is required to make arrangements for, and manage, the fire safety requirements within the premises.

An evacuation strategy must be initiated and advice and instruction given to relevant persons. The strategy should be as simple and straightforward as possible.

A regular inspection and maintenance regime is required to ensure that all fire safety measures are maintained to an appropriate standard and, where necessary, inspected and tested in line with the appropriate British Standard.

Some HMOs may have tenancy agreements that require the tenants to test or inspect the fire safety measures. This is acceptable as long as the testing is being carried out correctly and a logbook is completed. However, agents and landlords should be aware that it is ultimately their responsibility to ensure all maintenance and testing is completed. Tenants should be informed to report any fire safety issue to the appropriate person immediately, who should then ensure it is rectified as soon as is reasonably practicable.

Further information can be found in the appropriate sector specific guide.

## **Means of Detecting Fire and Giving Warning**

Premises providing sleeping accommodation should be provided with a fire warning and automatic detection system.

The type of system suitable for different occupancy types can vary. The fire safety risk assessment should be used, along with the guidance contained within the sector specific guides, to determine the type of system required.

Generally,

- Individual flats, maisonettes and other small premises normally comprising of no more than two storeys in height should be provided with a fire alarm system (designed for dwellings) complying with the recommendations of BS 5839: Part 6 for a Grade D Category LD2 system.
- Small premises comprising of 3 storeys in height should be provided with a fire alarm system (designed for dwellings) complying with the recommendations of BS 5839: Part 6 for a Grade A Category LD2 system.
- For larger premises, including purpose built blocks, a fire alarm system designed in accordance with the guidance in BS 5839: Part 1 for a category L2 system is likely to be appropriate.

## Fire Doors

Where any stair, corridor or escape route serves sleeping accommodation it should be constructed of fire resisting partitions and **self-closing fire doors of at least short duration (30 minutes) fire resistance (FD30s)**.

In determining the fire resistance, consideration must also be made of all the door components including the frame, glazing, side panels, ironmongery etc.

Some existing doors may be suitable provided they are of substantial construction and close fitting (the British Standard states 3mm at the top and sides). These are commonly known as nominal doors. Although there is no definitive definition of a nominal door, the doors must not be cracked, damaged or contain holes etc. Lightweight doors, hollow doors and doors with very thin panels should be avoided.

Existing doors may have the potential to be upgraded to an acceptable fire resistance. However, existing domestic panel doors which are warped, split or have substantial gaps may not be suitable for upgrading. Any upgrade must achieve the minimum of short duration (30 minutes) fire resistance and must be correctly applied as per manufacturer's instructions.

It is the duty holder's responsibility to provide evidence to show that the upgrade meets the required standard.

The gap between the door leaf and the frame is normally fitted with intumescent strips and smoke seals in either the door or preferably the frame. The strips expand in the early stages of a fire in response to heat and enhance the protection and the smoke seals prevent the spread of smoke at ambient temperatures.

Cupboard doors may also be required to offer the same fire resistance if located off the hallway. As opposed to the fitting of self-closing devices, small cupboards with low risk can be locked shut when not in use.

A main entrance door which is accessed via a common stair should also meet this standard, including the appropriate self-closing device, smoke seals and intumescent letter plate.

Generally, bathrooms do not require a fire door. However, if the bathroom contains a washing machine, tumble dryer, dishwasher etc. then a fire door may be required due to the increased fire risk.

Further advice on the acceptability of fire doors within HMO premises can be found in the SFRS document '**Guidance on the Provision of Fire Doors within City of Edinburgh Council Licensed HMO Premises**' at:

[http://www.edinburgh.gov.uk/downloads/file/9241/hmo\\_fire\\_doors\\_guidance](http://www.edinburgh.gov.uk/downloads/file/9241/hmo_fire_doors_guidance)

## **Locks**

Any security measure should not compromise the ability of occupants to escape from the premises in the event of fire.

There is no intention to prohibit the use of locks to secure a room, storey or premises when the premises, or part of, are unoccupied.

Where staff, guests, residents wish to lock doors of private accommodation for safety, security or privacy, (including individually let rooms), this should be considered where the door can be readily openable from within without the use of a key.

## **Means of Escape**

Any corridor, hallway, stair or circulation space which forms part of the escape route, should be kept free from obstruction, combustible materials, furniture etc. at all times.

## **Fanlight Glazing**

Fanlight glazing above doors leading onto the means of escape should provide a minimum of short duration (30 minutes) fire resistance. A competent joiner should be consulted to ensure correct fitting.

Additional glazing from the premises onto a common stair, including panels either side of the main entrance, should provide a minimum of medium duration (60 minutes) fire resistance.

Alternatively, the existing glazing may be enclosed in a material providing the required level of fire resistance.

## **Firefighting Equipment**

The number and type of portable fire extinguishers should be determined by the outcome of the fire safety risk assessment. One or two of the appropriate type may be all that is necessary. For small premises, a multi-purpose powder extinguisher (2kg, 13A rated) capable of covering a range of risks, positioned within the hallway, is generally appropriate.

Occupants should be instructed on the correct operation of extinguishers as well as the potential hazards faced during use.

A fire blanket should be provided in the kitchen to cover the risk from cooking. This should be wall mounted and sited close to the exit from the kitchen.

## **Emergency Lighting**

The premises should be provided with lighting to the extent necessary to ensure that, in the event of an outbreak of fire within the building, illumination is provided to assist in escape and in implementing the emergency fire action plan.

In simple premises where borrowed lighting (for example, from fixed street lights) is found to be inadequate following a fire safety risk assessment, it may be more appropriate to rely on self-contained lighting luminaires than to install a protected circuit to an existing lighting system.

## **Fire Action Notice**

Notices are used to provide instructions on how to use any fire safety equipment as well as the actions to be taken in the event of fire. Notices containing details of the emergency fire action plan specific to the premises should be permanently displayed in appropriate positions throughout the building.

## **Inner Rooms**

An inner room is a room where access to a circulation space can only be achieved by passing through another room. An inner room should not be used as sleeping accommodation (Technical Handbook 2015 – Non-Domestic)

## **Double Uppers and Basements**

At least two storey escape routes should be provided from:

- any storey at a height of more than 7.5 m;
- a basement storey at a depth of more than 4.5 m; or
- a basement storey at a depth of not more than 4.5 m where the storey is intended to be used by members of the general public (other than for access to sanitary accommodation).

Where it is not possible to provide 2 storey escape routes, then it may be an alternative to install a domestic sprinkler system conforming to BS 9251, current edition, throughout the premises.

Alternatively, the risk presented by the premises in terms of height, occupation, travel distance, detection system etc. may not be considered high enough for additional control measures to be applied. Advice should be sought from a local Fire Safety Enforcement Officer.

## Testing and Maintenance

The following are some of the tests or inspections, which are recommended as part of the fire safety testing regime:

### Weekly:

- Test the fire warning and detection system.
- Check that safety signs and notices are legible
- Check escape routes and exit locking mechanisms such as panic bars and push pads.
- Ensure that fire door self-closing devices operate effectively.

### Monthly:

- Carry out a functional test of the escape route lighting system.
- Carry out brief visual check of fire extinguishers.
- Check fire doors to ensure they are in good working order and condition.

### Six monthly:

- Service of BS 5839 Part 1 fire-warning and automatic detection systems.
- Service of BS 5839 Part 6 fire-warning and automatic detection system (Grade A-C only)

### Annual:

- Maintenance of portable fire extinguishers.
- Annual discharge test of emergency lighting.
- Annual checks, inspection and test of sprinkler system (where fitted).
- BS 5839 Part 6 fire-warning and automatic detection system.

The result of the tests should be recorded in a log book and any necessary maintenance carried out as soon as reasonably practicable.