

The New Fire Safety Regulations, Fire Doors and 'Best Endeavours'

Tuesday 28th February 2023
1:00pm – 2:00pm (GMT)

Captions

Automated live captions are available on this webinar. **To enable captions, please click the 'CC' icon in the Media Player.**

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Please contact marketing@barbour-ehs.com if you will require this version and we will send it to you.

Agenda

- Introduction
 - Barbour EHS: an overview
 - Presentations from William Martin Compliance and RPC
 - Q&A session
-

Housekeeping

- **Download your attendance certificate** by clicking the certificate icon in the 'Earn Certification' box at the bottom of this console
- You can download and access supporting resources from the 'Resources' box on the left
- You will receive a link to the recording of this webinar by email this evening

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Your speakers for today



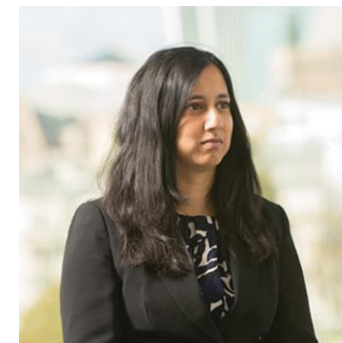
Teresa Dier
Managing Director
Barbour EHS



Susanne Slade
Head of New Business
Barbour EHS



Paul Coster
Fire Safety Consultancy Director
William Martin Compliance



Mamata Dutta
Legal Director
RPC

You can read about each of our speakers by expanding the “Speakers” box at the bottom of this console.

Barbour EHS: an overview

Susanne Slade
Head of New Business
Barbour EHS



Who we are

Officially formed in 1957, **Barbour EHS** is the oldest and best-known provider of specialist information services to industry professionals.

We provide a simplified, all-in-one solution bringing you legislation, guidance and policies from over 800 trusted industry sources for key areas including:

- Health and Safety
- Environment and Energy
- Fire Plus
- Estates and Facilities Management
- Mental Health and Wellbeing
- International – including 25+ countries



**STAY
COMPLIANT**



**SAVE
TIME**



**TRUST
BARBOUR**

Fire Safety statistics:

- In the year ending June 2022, 584,881 incidents were attended by FRSs – an **11% increase**.
Fires accounted for **26%**, fire false alarms accounted for **40%**, and **34%** were non-fire incidents.
[\[gov.uk\]](#)
- There has been a **3% increase** of fires in purpose-built high-rise flats or maisonettes (751 fires) on the previous year [\[gov.uk\]](#)
- There has been a **10% increase** of fires in "other" (non-dwelling) buildings (13,205 fires) on the previous year [\[gov.uk\]](#)

How can you master complex regulations and remain compliant?
We can help you.

Our **Fire Plus** module can help

- Delivers advice, guidance and information from **authoritative publishers** including government departments, HSE, the FPA, FIA, CIBSE, Confederation of Fire Protection Associations - Europe, British Woodworking Federation, government departments, Home Office, Communities and Local Government and more
 - Can be combined with other modules or standalone, plus you have the option to add British Standards fire-only library
 - Provides Prime Membership and access to materials from the **Fire Protection Association (FPA)**
 - Provides **downloadable documents and tools**, such as director briefings, employee factsheets, toolbox talks and model policies to help you influence company culture
 - **Template risk assessments, forms and checklists** to help you develop plans of action and maintain complete records
-

Topics include:

- Electricity: fixed and portable equipment
- Fire detection and alarm systems
- Fire hazards
- Fire precautions and fire protection
- Fire risk management
- Fire safety in residential buildings
- Fire stopping and smoke control
- Fire strategy
- Risk assessments
- Safety signs and signals
- Security
- Sprinklers
- Vacant property management
- Working alone

The FPA materials:

- Fire & Risk Management Journal
- Priority access to their technical support team
- Access to extensive member resource library
- Webinars covering a wide range of topics + archive
- Access to online fire safety video library
- Member discounts on FPA seminars
- Downloadable FPA member logo & certificate
- Exclusive member networking events
- Member discounts on a wide range of services and resources

Update for our clients: **International Module**

✓ **Brazil and Finland have been added** — with more countries on the way!

✓ **Redesign**

A fresh, new look that splits out each country, making it clearer and easier to view documents for a specific country.

✓ **Finding key topics**

Our extensive library is now led by topic – easily locate the key content that you are looking for.

✓ **Country topics**

Quick facts are now broken down into separate topics to help you drill down even further. The country topics will then link out to the legislation relevant to that topic – we'll lead you by the hand to show you exactly what you need to know.

Get in touch

Find out more

Remain compliant, avoid prosecution and save time with Barbour EHS

- ✓ Call us on 0845 300 0241
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 - ✓ Visit www.barbour-ehs.com
 - ✓ Connect with me on LinkedIn: [Susanne Slade](#)
-

The New Fire Safety Regulations, Fire Doors and 'Best Endeavours'



FIRE SAFETY UPDATE

PAUL COSTER, WILLIAM MARTIN COMPLIANCE



- Aims Of The Session
 - Fire Safety (England) Regulations 2022
 - Overview of the Regulations
 - How to measure the height of a building
 - Fire door inspections
 - What is competence?

Implements the majority of the recommendations made by the Grenfell Tower Inquiry in its Phase 1 report which required a change in the law.

The regulations came into force on 23 January 2023 following the publication of supporting guidance which is now becoming available.

- The Regulations apply to all **residential buildings** in England that comprise a number of private dwellings ie blocks of flats and student accommodation.
- The Regulations apply regardless of whether the flats are subject to a long (e.g. 99 years) lease or are rented, and regardless of whether the flats are used to accommodate the general public or a particular group of people (e.g. sheltered housing for older people).
- The Regulations include a definition of “high-rise residential building” (Regulation 3). The definition will align with that used in the Building Safety Act 2022 – ‘**a building that is at least 18 metres in height or has seven or more storeys**’.

Fire Safety (England) Regulations 2022

- Regulation 4

High Rise Residential – (7 or more storeys or >18m)

Secure Information Boxes: install and maintain a secure information box containing the name and UK contact details of the responsible person and hard copies of building floor plans.

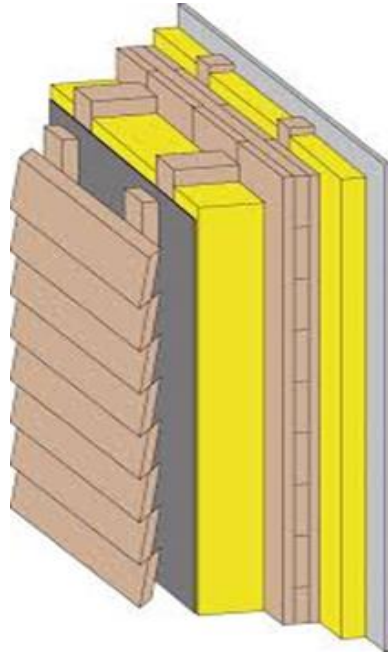


Fire Safety (England) Regulations 2022

- Regulation 5

High Rise Residential – (7 or more storeys or >18m)

External Wall Systems: provide the fire and rescue services with information about the building's external wall system and provide updates if there are material changes to these walls.



Fire Safety (England) Regulations 2022 - Regulation 6

High Rise Residential – (7 or more storeys or >18m)

Building Plans: provide the fire and rescue services with electronic copies of building floor plans and keep hard copies of those plans in a secure information box accessible by firefighters.



Fire Safety (England) Regulations 2022

- Regulation 7

High Rise Residential – (7 or more storeys or >18m)

Lifts and Fire-Fighting Equipment: undertake monthly checks on fire and evacuation lifts and other firefighting equipment and inform the fire and safety services if a lift used by firefighters or firefighting equipment is out of order for longer than 24 hours.



Fire Safety (England) Regulations 2022 - reporting faults

High Rise Building Data Portal

Under Regulations under article 24 of the Regulatory Reform (Fire Safety) Order 2005 (Fire Safety Order) there is a requirement for responsible persons of high-rise blocks of flats to provide information to the Fire and Rescue Services to assist them to plan and provide an effective operational response.

You are only required to provide up-to-date electronic building floor plans and information for all high-rise residential buildings that are at least 18 metres or at least seven floors. These must be in pdf format.

Read the following for more information.

Register / Login to add or amend building information.

<https://hrbdp.london-fire.gov.uk/external>

<https://www.manchesterfire.gov.uk/your-safety/the-fire-safety-england-regulations-2022/faults-and-repairs/>




Report Faults

Report a fault with Fire Safety equipment

* Required

Find your building

 UPRN *

Locate your buildings UPRN using the link below. This is important so we can link your information with the correct building record that we hold.

bit.ly/FindMyBuilding (opens in a new tab or window)

If for some reason, you cannot locate the building on our report please use the link below instead.

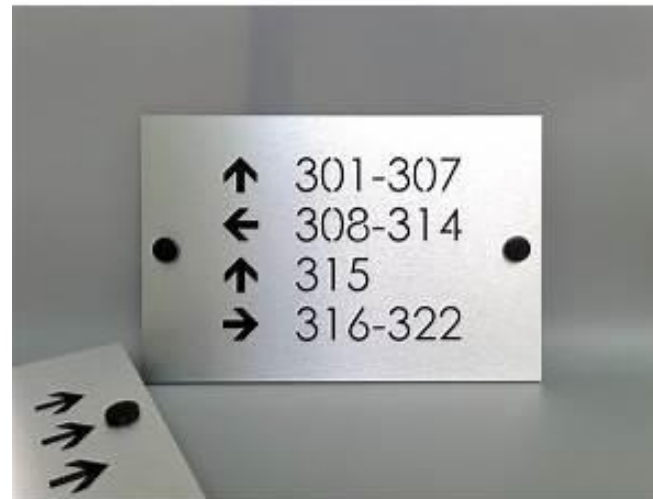
<https://www.findmyaddress.co.uk/search> (opens in a new tab or window)

The value must be a number

Fire Safety (England) Regulations 2022

- Regulation 8

Wayfinding Signage: install signage visible in low light or smoky conditions that identify flat and floor numbers in the stairwells of relevant buildings.



Fire Safety (England) Regulations 2022

- Regulation 9

All multi-occupied residential buildings with two or more sets of domestic premises.

Fire Safety Instructions: provide relevant fire safety instructions to their residents:

- instructions on how to report a fire
- any other instruction which sets out what a resident must do once a fire has occurred based on the evacuation strategy for the building.

In addition, they should be provided to all existing residents at periods not exceeding 12 months.



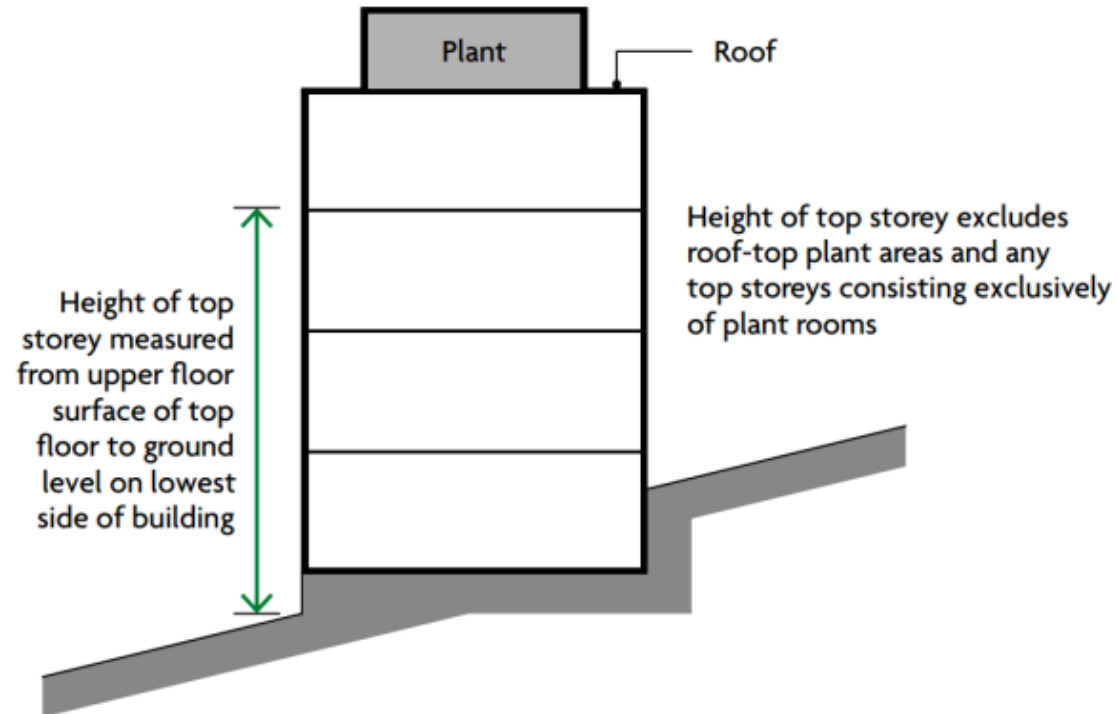
How do I measure the height of a building?



Measuring storey height

Measurement: As per ADB

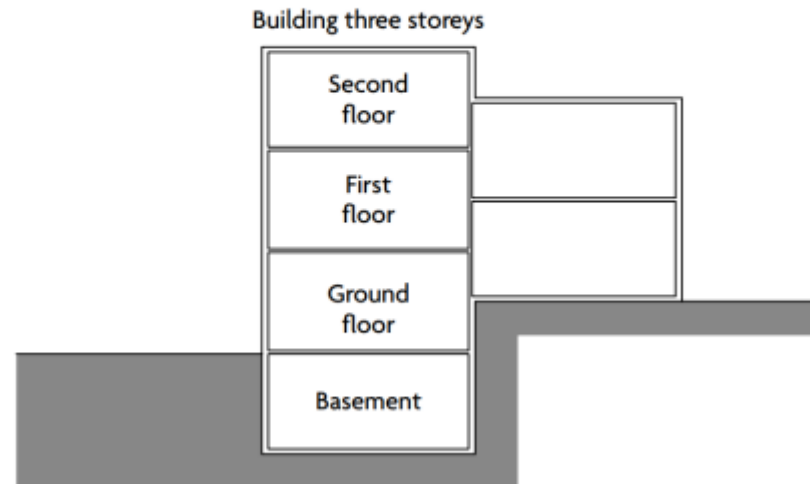
The height of the top storey is measured from the upper floor surface of top floor to ground level on the lowest side of the building.



Counting the number of storeys

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To count the number of storeys in a building, or in a separated part of a building, count only at the position which gives the greatest number and exclude any basement storeys.



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Fire Safety (England) Regulations 2022

- Regulation 10

Fire Door Information: provide residents with information relating to the importance of fire doors in fire safety:

- fire doors should be shut when not in use
- residents or their guests should not tamper with self-closing devices on fire doors
- residents should report any fault in, or damage to, fire doors immediately to the Responsible Person



All multi-occupied residential buildings with storeys over 11 metres in height

In addition to fire safety instructions and fire door information:

Fire Doors: undertake annual checks of flat entrance doors and quarterly checks of all fire doors in the common parts.

Note: It is not intended that quarterly checks should involve any more detailed, technical examination of the doors or the original standard of installation, nor is it intended that these checks need to be **carried out by specialists**. It is expected that the Responsible Person or their staff, should, with simple instruction, be able to carry out the checks.



What competency level is required for undertaking quarterly fire door checks?

Building a Safer Future

Independent Review of Building Regulations and Fire Safety: Final Report

May 2018

Dame Judith Hackitt DBE FREng

Cm 9607

Chapter 5 Competence

Building a Safer Future – Independent Review of Building Regulations and Fire Safety: Final Report 73

Q competence

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21 of 152

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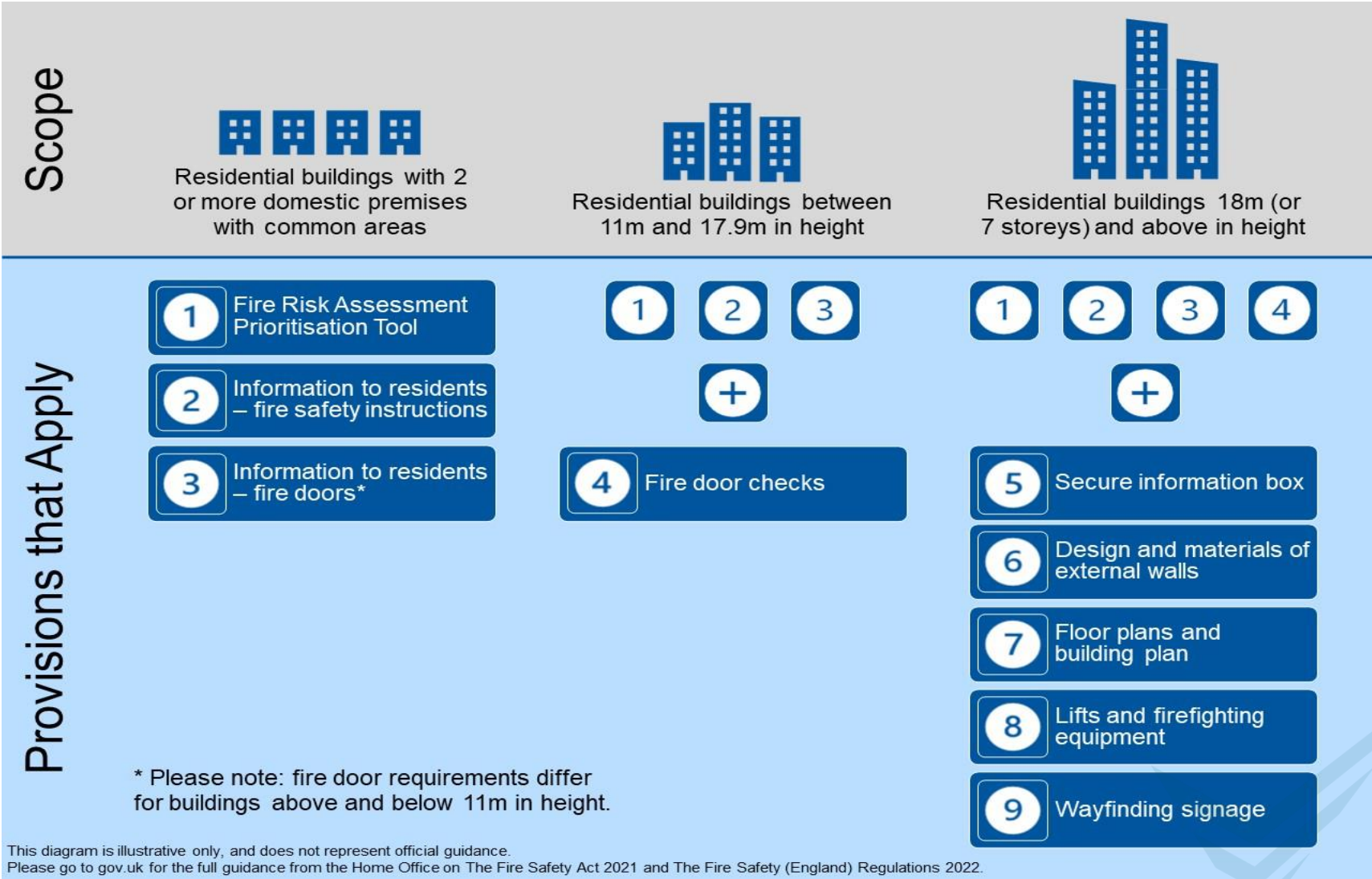
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What competency level is required for undertaking quarterly fire door checks?

- What is competence?
- Competence can be described as **the combination of training, skills, experience and knowledge that a person has and their ability to apply them to perform a task.**
- Other factors, such as attitude and physical ability, can also affect someone's competence.
- As an employer, you should take account of the competence of relevant employees. This will help you decide what level of information, instruction, training and supervision you need to provide.
- If you use contractors, you have a responsibility to make sure they are competent.

Fire Safety (England) Regulations 2022



Fire Safety Update - Questions

At William Martin Compliance we have a nationwide team of experts who offer a comprehensive range of fire safety compliance services to property management professionals.



For all enquiries please contact us: enquiries@wmcompliance.co.uk



- or call our team on 0203 819 8829

The Fire Safety (England) Regulations 2022 and “best endeavours”

Mamata Dutta

28 February 2023



Fire Safety (England) Regulations 2022

Fire Doors – Regulation 10 (4)

*“The responsible person, in relation to a building which contains two or more sets of domestic premises and which is above 11 metres in height, must use **best endeavours** to undertake checks of fire doors at the entrances of individual domestic premises in the building at least every 12 months”*



What is meant by “best endeavours”?

- The Regulations do not provide a definition of "best endeavours"
- The Guidance Note states
"It will be for responsible persons to determine the best approach to engage with residents in order to get access to undertake the annual checks of flat entrance doors. This could include the responsible person agreeing with residents a date, so access can be granted"

<https://www.gov.uk/government/publications/fire-safety-england-regulations-2022/fact-sheet-fire-doors-regulation-10>



Examples of “best endeavours”

Contract litigation – How is “best endeavours” interpreted?

“Best endeavours means what it says – it does not mean second-best endeavours”

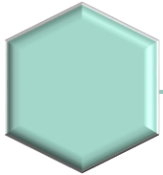
(Sheffield District Railway Co v Great Central Railway Co (1911) 27 T.L.R. 451)

The Courts have said that the term "best endeavours" requires the obligor

"to take all those steps in their power which are capable of producing the desired results ... being steps which a prudent, determined and reasonable [obligee], acting in his own interests and desiring to achieve that result, would take"

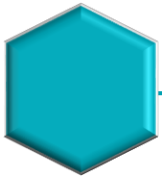
(IBM United Kingdom Ltd v Rockware Glass Ltd [1980] FSR 335)

Comparison with “reasonable endeavours”



UBH (Mechanical Services) v Standard Life, The Times, 13 November 1986

- Rougier J stated that an obligation to use reasonable endeavours was less stringent than an obligation to use best endeavours



Jet2.com Ltd v Blackpool Airport Ltd [2012] EWCA Civ 417

- Agreement between Jet2 and Blackpool Airport to use their “best endeavours” to promote Jet2’s low-cost service from the airport
- Blackpool Airport told Jet2 they would not accept departures or arrivals outside of their normal operating hours
- Court at first instance and Court of Appeal found in favour of Jet2
- The obligation to use best endeavours obliged Blackpool Airport to do all that it reasonably could to enable Jet2 to succeed and grow, which included operating outside of their normal operating hours

Comparison with “reasonably practicable” under the HSWA 1974



Sections 2 and 3 of the Health and Safety at Work Act 1974

General duty for employers to ensure, so far as reasonably practicable, to keep their employees and others who are affected by their undertaking, safe



Section 40, Health and Safety at Work Act 1974

In any proceedings for an offence under any of the relevant statutory provisions consisting of a failure to comply with a duty or requirement to do something so far as is practicable or so far as is reasonably practicable, or to use the best practicable means to do something, it shall be for the accused to prove (as the case may be) that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement

Comparison with “reasonably practicable”

Edwards v National Coal Board [1949] 1 K.B. 704

“Reasonably practicable’ is a narrower term than ‘physically possible’ and seems to me to imply that a computation must be made by the owner, in which the quantum of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other; and that if it be shown that there is a gross disproportion between them – the risk being insignificant in relation to the sacrifice – the defendants discharge the onus on them”

Asquith LJ

So....what are “best endeavours?”



1 Likely to be more onerous than “reasonable endeavours” and may even be considered to be more onerous than an obligation which is “reasonably practicable” in a health and safety context

2 Requirement to take all steps that are reasonably in your power to comply with the obligation as opposed to being satisfied by taking one of multiple options that are available

3 Important to properly evidence both the attempts to arrange access and the inspections of fire doors to residential entrances to help to demonstrate compliance with the legislation

Contact



Mamata Dutta
Legal Director

T +44 20 3060 6819

M +44 7545 100466

mamata.dutta@rpc.co.uk

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