



LONDON FIRE BRIGADE

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Freedom of Information request reference number: 7365.1

Date of response: 13 April 2023

Request:

Can you confirm if you have any specific guidance, policy or protocol that covers this aspect of Fire Safety, or any protocols for joint working with the local housing authorities where a premises (complex or hybrid) is occupied by property guardians.

Please provide a copy.

Response:

Our Prevention and Protection team have an internal guidance document for Protection staff which gives information on fire safety and enforcement protocols for premises occupied by property guardians where the Fire Safety Order applies.

I have attached a copy of this guidance note to this response.

The LFB do not have any joint working protocols specifically for property guardians but, there are joint working protocols with each local housing authority in London that provide a framework for effective enforcement where both the Housing Act 2004 and the Fire Safety Order applies using a collaborative approach.

We have dealt with your request under the Freedom of Information Act 2000. For more information about this process please see the guidance we publish about making a request [on our website](#).

Fire Safety and Enforcement Protocols for Property Guardians

FSIGN 429

Old Inst.: N/A

Issue date: Sept 2016

*400 Series: Occupancy &
Hazards*

Summary

The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (as amended) in London.

This Note is intended for internal use, providing information and guidance on fire safety enforcement in properties occupied by property guardian providers.

This Note is one of a series produced by Fire Safety Regulation HQ Policy Groups to provide additional advice and guidance to officers and Fire Safety Teams on various subjects related to their role.

Where appropriate this Note should be used for learning and staff development purposes.

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1 Introduction

- 1.1 Property Guardian providers come under the direction of the Regulatory Reform (Fire Safety) Order 2005 (as amended), hereafter referenced as 'The Order', in so much as they offer premises for rent and hire. Therefore, there is an element of commercial and financial gain and as such, the owners of the premises are subject to the provisions of the General Fire Precautions set out in Article 4 of The Order.
- 1.2 The owners of the premises are Article 3 Responsible Persons and will have to take note of the duties outlined in The Order, in particular those in Part 2, assigned to these persons.

2 How it Works

- 2.1 There are numbers of empty properties in London, including flats, houses, public houses, churches, libraries, schools and offices. Many are in places where it's usually very expensive to live and they may be empty for many reasons – waiting to be sold, waiting for planning permission, or while the owners are overseas. Property Guardian Companies put these buildings back into use, helping both the property owner and people looking for low cost accommodation. Guardians then have a place to live and provide a service to the community simply by living there, this keeps the building active and cared for.
- 2.2 Guardian contracts vary in time frame dependent on the property type and issues such as planning. The contract will state the time duration and the Guardian's responsibilities whilst in the property. They may be one or often more than one guardian in the property.
- 2.3 Guardians can be offered a choice of property and location, this enables people to live in places they may not normally be able to afford. There can be flexible short-term contracts in all areas of London which could cause difficulties for operational crews with regard with knowing whether a property is guarded or not.
- 2.4 The guardians are not in fact tenants, they are "licensees" and they sign contracts to occupy buildings without any of the legal rights a regular short hold tenant is entitled to. A guardian may not be a tenant, but they still qualify as a "residential occupier", which means the 1977 Protection from Eviction Act (PEA) still applies.
- 2.5 Premises and property is available London wide and the take up of this style of accommodation is increasing. The marketplace includes a number of differing Companies that offer Guardian opportunities, including: Adhoc Property Management, Live-in Guardians, Camelot, dotdotdot and others.



3 Guidance Protocols

- 3.1 Fire safety law applies to people if anyone pays to stay in a property, other than to live there as a permanent home or in a single private dwelling.

- 3.2 The guidance documents to be utilised for these type of premises or property will depend on the premises type. The Government Fire safety risk assessment guides to premises will cover most property types although some properties will be single private dwellings.
- 3.3 Where smaller accommodation is provided in general needs blocks of flats or HMO's then the common areas should be assessed against whichever guidance document is applicable to the premises type, LACORs or Fire safety in purpose-built blocks of flats.

4 Enforcement

- 4.1 Audit and enforcement should be in accordance with the FSIGNs in the 200 and 300 series.
- 4.2 For the safety of the people who rent these property types, it should be ensured that the General Fire Precautions as noted in Article 4 of The Order are complied with and a fire risk assessment in accordance with Article 9 of The Order is carried out and reviewed where necessary..
- 4.3 It may be necessary for some property types to ensure that detection and warning is installed or upgraded for the safety of the residents. Where domestic appliances are installed, the electrical system should be tested to ensure that it is able to accommodate the additional appliances. Electrical outlets should not require extension leads or multi adaptors to power appliances.
- 4.4 The means of escape signage should be clear and concise and exit routes should always be available. This is of real concern in large property where the guardian occupies a small part of the property as a fire could occur anywhere and egress should always be available. IOs should be on the lookout for permanently locked exits and blocked exits both in and outside the property and ensure that the means of escape and the means of securing that escape is always available.
- 4.5 It must be ensured that Guardians are aware of the particular property evacuation procedure in case of fire. Some of the Guardian companies produce booklets that detail these procedures and the company should ensure that the Guardians are made aware of their responsibilities with regard to the emergency evacuation methodology.
- 4.6 Fire fighting equipment such as fire extinguishers should be made available and be regularly tested. Where necessary, people should be educated in the type and use of the appliances provided. Where automatic fire suppression systems are provided it should be ascertained as to whether the system is working and to what extent.
- 4.7 Any equipment and systems provided within the property should be subject to testing and maintenance. This is to ensure that when required the systems operate correctly. Records should be kept and made available where required
- 4.8 The property should be structurally sound and if building works are on-going then cognisance should be taken of hot works and building dusts. In recent years the Commissioner has issued Prohibition Notices to some property being guarded due to the hazardous nature of the building and the work being carried out.
- 4.9 In addition, signs need to be placed on the outside of commercial property to state that the premises are occupied 24 hours. This is so that in case of fire, attending staff on fire appliances can include the probability of people being present in the Incident Commanders Dynamic Risk Assessment (DRA) plan.
- 4.10 Fire safety staff should inform operational colleagues of these property types by using the Station Notification Form, SFS_A020_a2a.

Document History

Impact assessments

An Equality or Sustainability Impact Assessment was completed on:

| | | | |
|----------------------------|------------|----------------------------------|------------|
| Equality Impact Assessment | 15/09/2016 | Sustainability Impact Assessment | 15/09/2016 |
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

| Page/para nos. | Brief description of change | Date |
|------------------------|--|------------|
| | FSIGN Published | 15/09/2016 |
| All | Changed to support new LFC governance | 01/04/2018 |
| Summary, 1.1, 1.2, 4.2 | Updated to reflect (RR(FS)O has been amended | 01/05/2022 |
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