



## **How Will Planned and Predicted Changes to Fire Legislation Affect the Events Industry?**

The Grenfell Enquiry will force a fundamental review of the existing fire legislation which has been in place since 2005. The potential outcomes could be very challenging for the events industry. It is entirely foreseeable that either all, or large parts of Building Regulations will become directly applicable to Temporary and Demountable Structures. The problem, as was the case for CDM, will be that those tasked with redrafting new legally applicable standards will not necessarily have any knowledge of, or stake in, the events business. The second aspect is that the required competencies for fire risk assessment is likely to be raised. At present there are insufficient numbers of competent fire risk assessors even for the existing law. The overall impact in these changes could be very costly and create a situation where event businesses are forced to take risk on compliance because the resources are not there to meet the new standards. Before the events industry begins to debate this issue and prepares for any consultation on changes it is worth reviewing the current status of fire safety legislation and guidance as it applies to events.

The following is an overview and advice should always be sought from a competent professional regarding any particular venue or event.

### **Regulatory Reform (Fire Safety) Order 2005 (RRO)**

The RRO was introduced in 2005 repealing all previous fire legislation which was complex and confusing. A significant change was the transfer of legal accountabilities for most businesses from the fire authorities to the business owner or equivalent. Principally the RRO requires all employers to appoint a '*Responsible Person*' to ensure safety from fire of all employees and other '*Relevant Persons*' (anyone who is legally on the premises or anyone who is not on the premises but who may be affected, such as in a nearby property). The order requires the Responsible Person to:

- carry out a fire risk assessment (or ensure that it is carried out)
- develop and produce a policy
- develop procedures (particularly with regards to evacuation)
- provide staff with information and training and carry out fire drills
- provide and maintain:
  - clear means of escape
  - signs and notices
  - emergency lighting
  - fire detection and alarm
  - firefighting equipment.

The essential element of this law is the requirement to conduct and implement a fire risk assessment. The common practice is for a venue to have conducted the main fire risk assessment for the premises detailing the requirements for all of the above. The event organiser then conducts an event fire risk assessment focusing on fire prevention and fire response measures in the event area itself in the context of the venue's existing provisions. For small and simple events it is usually permissible for the fire aspect to be included in the overall event risk assessment itself.

Any future change is likely to review the extent to which event businesses and particularly venues are permitted to regulate themselves through the mechanism of risk assessment. It is foreseeable that greater input from the fire authorities will be mandated reducing the flexibility of venues and event companies to manage their own arrangements for public events.

### **Responsible Person**

The responsible person is the main duty holder for fire safety and accountable for ensuring that appropriate measures are in place. As such is usually a senior manager. There is a degree of direct personal accountability in criminal law for failing in these duties. In a venue the Responsible Person will usually be the senior manager responsible for health and safety. For the organiser or promoter the day to day duties usually fall by default to the event operations manager or equivalent but the 'Responsible Person' would normally be the Event Director or equivalent. Whatever the case it is important that in all cases it is clear who the Responsible Person is and this should be indicated on the fire risk assessment.

If the concept of a Responsible Person is retained, which is likely, then it is foreseeable that there will be renewed emphasis on ensuring that nominated Responsible Persons fully discharge their duties under the law.

### **The Fire (Scotland) Act 2005 and Fire Safety (Scotland) Regulations 2006**

The legislation is broadly equivalent in Scotland but with some differences in respect of application, terminology and detailed provisions. The 'Responsible Person' is referred to as '*The Duty Holder*'.

### **Code of Practice for Fire Safety in the Design, Management and Use of Buildings BS9999: 2017**

BS9999 is designed as a co-ordinated package covering the four main areas that influence fire safety measures, namely:

- fire safety management
- the provisions of means of escape
- the structural protection of escape facilities and the structural stability of the building in the event of a fire
- the provision of access and facilities for fire-fighting.

Essentially it lays out the required standards to be achieved relative to the use and occupancy of the premises. It is not designed to be used on its own and it must be

stressed that a fire risk assessment taking into account the specifics of the venue and the event is essential. This is a comprehensive and complex document that would normally only need to be referenced by a venue's professional fire safety staff. It was updated and republished in 2017.

### **HMG Fire Safety Risk Assessment Series**

This is part of a series of government guidance written for specific industries for compliance with the RRO. They do not reference BS9999 which was written after their publication. It is guidance only and therefore not the law per se. Relevant to the events industry are:

- Fire Safety Risk Assessment in Large Places of Assembly (where more than 300 people can gather)
- Fire Safety Risk Assessment in Small and Medium Places of Assembly (where up to 300 people can gather)
- Fire Safety Risk Assessment in Open Air Events and Venues (theme parks, zoos, music concerts, sports grounds, fairgrounds and county fairs but NOT stadia which are covered under large places of assembly)
- Fire Safety Risk Assessment in Theatres, Cinemas and Similar Premises.

These are useful publications because they contain the necessary planning considerations for events and can be used to devise a fire safety plan from scratch. These are due for review if only to reference BS 9999 2017.

### **Sports Grounds**

Sports grounds require separate consideration as they are subject to The Safety at Sports Grounds Act 1975 which requires designated sports grounds to have a safety certificate. The Fire Safety and Safety at Places of Sports Act 1987 requires a licence for a covered stand with a capacity of greater than 500 at places of sport which are not designated under Safety of Sports Ground Act 1975. The Sports Grounds Safety Authority (SGSA) publishes the Guide to Safety at Sports Grounds, the 'Green Guide'. This is shortly to be put out for consultation on a revised document to be published later this year. The new guide will place wider duties on the Sports Grounds Safety Officer for the whole of the complex and not just the spectators and will include security in their remit.

Whilst the Green Guide is specifically aimed at sports ground there is a lot of useful information in it regarding crowd dynamics in general and all event safety professionals should review the document when it comes out for consultation.