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This circular is	For information	No response required	
This circular is	Relevant to the National Framework		
Status	This Circular covers an information booklet on the application of the Regulatory Reform (Fire Safety) Order 2005 to small premises providing accommodation.		

‘Do you have paying guests?’ - information on complying with fire safety law

Issued by:

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Fire and Rescue Service Development Division

Addressed to:

**The Chair of the Fire and Rescue Authority
The Chief Executive of the County Council
The Clerk to the Fire and Rescue Authority
The Clerk to the Combined Fire and Rescue Authority
The Commissioner of the London Fire and Emergency Planning Authority
The Chief Fire Officer**

Please forward to:

Technical or statutory fire safety officers

Summary

This Circular introduces a booklet on the application of the Regulatory Reform (Fire Safety) Order 2005 to small premises providing accommodation (eg B&Bs, guest houses and self catering holiday lets). It has been developed with CFOA and provides the proprietors of these businesses with information on the scope of the Order and on their compliance responsibilities.

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1.0 Introduction

- 1.1 The *'Do you have paying guests?'* booklet represents the culmination of Communities and Local Government's work with industry representatives and the Fire and Rescue Service (through the CFA Fire Safety Order Working Group) to improve understanding of the Order and compliance requirements among small, independent providers of accommodation. It also sets out a number of minimum fire safety benchmarks which such premises should consider to ensure an adequate level of fire safety.
- 1.2 It is specifically targeted at the owners ('responsible persons') of bed and breakfast establishments, small guest houses, self catering operators and other small premises providing accommodation for paying guests. It has been developed in response to industry concerns over the impact of the Order on these types of businesses, the majority of which have previously been outside the scope of fire safety legislation. Organisations representing providers of such accommodation have been consulted on the development of the booklet, and they are supporting our work by undertaking to disseminate it widely within the sector, through their communication channels and networks.

2.0 Background and Objectives

- 2.1 *'Do you have paying guests?'* has been produced primarily to respond to concerns that some owners within this segment of the hospitality sector are unaware of the duty on them to carry out a fire safety risk assessment and, that many of those who are, are uncertain of what fire safety measures are likely to represent an adequate level of protection in their premises. Whilst it is clearly the responsibility of the owners of such businesses to ensure that they comply with their legislative duties, we recognise that this particular sector would benefit from some targeted and specific support.
- 2.2 Similarly, we recognise that the Fire and Rescue Service may, in some instances, welcome additional information and clarity on fire safety expectations in these premises. Whilst the extent to which compliance is being delivered is clearly a matter of professional judgement based on the specific circumstances of individual premises, we recognise that there may be occasions where the application of the standards referred to in the *'Sleeping Accommodation'* fire safety guide may be unnecessary. Delivering a proportionate response, with risk-appropriate fire safety measures, may assist in maintaining the overall viability of a number of businesses within this sector.
- 2.3 *'Do you have paying guests?'* does not form part of the suite of technical fire safety risk assessment guidance documents that CLG has produced to help responsible persons understand how they might comply with the requirements of the Fire Safety Order. It clearly signposts the target audience to the more detailed advice available in the *'Sleeping Accommodation'* guide, where this is appropriate. Fire and Rescue Services will want to be aware that whilst these documents offer advice on the fire risk assessment process, other risk assessment methods may be equally valid to comply with the Order. There is no obligation on responsible persons to adopt any particular solutions referred to in the guides if they would prefer, and are able, to meet the relevant requirement in some other way.

- 2.4 We recognise that in many cases the Fire and Rescue Service is seen as the first port of call for advice on fire safety issues among the public. Working with CFOA, we have therefore produced this booklet to offer the sector and the Fire and Rescue Service a view on what measures are likely, in many cases, to represent an adequate level of fire protection in those premises which are similar in many respects to a traditional, or average, family home. It does not remove the need for each responsible person to carry out risk assessment or to put in place whatever fire protection arrangements are appropriate to their specific circumstances. There is no suggestion that the measures discussed in this booklet represent a 'one size fits all' approach.
- 2.5 By facilitating better understanding and compliance with the requirements of the Fire Safety Order in this sector of the hospitality industry we aim to improve fire safety to a broadly satisfactory level, and hence minimise the requirement for FRSs to undertake unnecessarily stringent enforcement activity. In carrying out their audit and enforcement activities, Fire and Rescue Services will be mindful of the Hampton principles of better regulation which are now enshrined in the Regulators' Compliance Code, available on the Department for Business Enterprise and Regulatory Reform's website:
<http://www.berr.gov.uk/files/file45019.pdf>
- 2.6 The Regulators' Compliance Code is a central part of the Government's better regulation agenda and regulators, including the Fire and Rescue Service, will need to integrate the standards it sets out into their regulatory culture and processes. The Code underlines the need for regulators to adopt a positive and proactive approach towards ensuring compliance by helping and encouraging businesses to understand and meet regulatory requirements more easily, and to respond proportionately to any regulatory breaches. We hope that the availability of this booklet will assist Fire and Rescue Services deliver this approach.
- 3.0 **Marketing and Distribution**
- 3.1 The booklet was launched today, Tuesday 18 November, with a press notice to a small number of trade publications across the holiday accommodation sector. It is now available on the Communities and Local Government website at <http://www.communities.gov.uk/fire/firesafety/firesafetylaw/accommodationproviders/>
- 3.2 We recognise that the Fire and Rescue Service will also have an important role to play in raising awareness locally of the compliance requirements of the Order in these types of premises. Hard copies of the booklet will be made available to support local fire safety initiatives and/or campaigns and can be ordered - free of charge – from Communities and Local Government Publications, PO Box 236, Wetherby LS23 7NB. Tel: 0300 123 1124, fax 0300 123 1125, email: communities@capita.co.uk. The booklet will be available at Wetherby from 17 November 2008.
- 3.3 We encourage you to use these booklets wherever appropriate. We also strongly encourage you to include in your individual websites the direct link to the booklet - <http://www.communities.gov.uk/publications/fire/payingguests> as well as the link to the more detailed fire safety information held on the Communities and Local Government website at www.communities.gov.uk/firesafety.

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