



**Hampshire  
& Isle of Wight**  
FIRE & RESCUE SERVICE

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Date: 18 April 2023

Our Reference: FOI 160 22-23

Enquiries to: Information Compliance Officer

## Freedom of Information Act 2000

Dear [REDACTED]

We are writing in respect of your application for the release of information held by the Service, which we received on 29 March 2023. We can confirm that we have now completed our search for the information requested.

We can confirm that we hold the information requested. Please find it below

1) *Is it necessary to have a fire panel in a commercial property (has 2+ rooms)?*  
Yes/No

No, not always. Under Article 13 of The Regulatory Reform (Fire Safety) Order, it states.

### Fire-fighting and fire detection

13.—(1) Where necessary (whether due to the features of the premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to safeguard the safety of relevant persons, the responsible person must ensure that—

- (a) the premises are, to the extent that it is appropriate, equipped with appropriate fire-fighting equipment and with fire detectors and alarms; and
- (b) any non-automatic fire-fighting equipment so provided is easily accessible, simple to use and indicated by signs.

However, the Fire Safety Order (FSO) is risk assessment based and the Government Guidance document for Fire Safety Risk Assessment for Offices and shops states:

### 3.4.1 Fire-detection and warning systems

In some small, open-plan, single-storey offices and shops, a fire may be obvious to everyone as soon as it starts. In these cases, where the number and position of exits and the travel distance to them is adequate, a simple shout of 'fire' or a simple manually operated device, such as a gong or air horn that can be heard by everybody when operated from any single point within the building, may be all that is needed. Where a simple shout or manually operated device is not adequate, it is likely that an electrical fire warning system will be required.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/422175/9449\\_Offices\\_and\\_Shops\\_v2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/422175/9449_Offices_and_Shops_v2.pdf)

2) *If there were fire safety issues with the shop who would HIWFRS hold to account – the shop owner, tenant of the shop or leaseholder of flat above? Shop owner / tenant / leaseholder*

This depends on the tenancy agreement between the shop owner and the shop tenant. Article 3 of the Fire Safety Order states:

#### Meaning of “responsible person”

3. In this Order “responsible person” means—

- (a) in relation to a workplace, the employer, if the workplace is to any extent under his control;
- (b) in relation to any premises not falling within paragraph (a)—
  - (i) the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him of a trade, business or other undertaking (for profit or not); or
  - (ii) the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.

3) *Is a vape shop at higher risk of fire than a gift shop (I have heard about exploding batteries)? Yes/No*

Every shop is different. A fire risk assessment would identify the sources of ignition and sources of fuel and look at the likelihood of a fire occurring, consider who is at risk from a fire and what control measures are currently in place and what further control measures should be put in place.

4) *What are the FSO duties I am responsible for as a leaseholder of a flat above a commercial property?*

You do of course have other responsibilities as a landlord to those renting the flat out and under the Housing Act, but most of the responsibility under the FSO is on the commercial property below. Depending on the layout, means of escape etc. it is unlikely a fire in the flat would affect the means of escape from the shop below. However, as you share the building you must cooperate with the responsible person of the business.

#### Co-operation and co-ordination

22.—(1) Where two or more responsible persons share, or have duties in respect of, premises (whether on a temporary or a permanent basis) each such person must—

- (a) co-operate with the other responsible person concerned so far as is necessary to enable them to comply with the requirements and prohibitions imposed on them by or under this Order;
- (b) (taking into account the nature of his activities) take all reasonable steps to co-ordinate the measures he takes to comply with the requirements and prohibitions imposed on him by or under this Order with the measures the other responsible persons are taking to comply with the requirements and prohibitions imposed on them by or under this Order; and
- (c) take all reasonable steps to inform the other responsible persons concerned of the risks to relevant persons arising out of or in connection with the conduct by him of his undertaking.

*5) Under fire regulations, is it necessary to have a fire panel and/or fire exit sign and/or manual call point in my flat because it is above a commercial property? Yes/No*

No, unless they have a shared means of escape.

The expectation is that the commercial premises and the flat are separated by one hour of fire separation. A risk assessment may find this isn't achievable and may suggest an alternative, such as 30 minutes of separation between the two and an automatic fire detection installed into the commercial premises and a sounder installed in the residential to ensure the residents are aware of a fire in the early stages.

*6) My understanding of the purpose behind commercial premises with residential premises above having a fire panel linked via a sounder/detector is to ensure the residents are alerted to problems in the night when they are least likely to be alert and when no one is likely to be in the shop. It isn't about the shop tenant/owner since they should be alert/awake when in their property. Is this correct? Yes/No*

Yes, unless they have a shared means of escape and a fire in the flat could compromise this.

Any future correspondence with Hampshire and Isle of Wight Fire and Rescue Service in relation to this matter should be sent to the Information Compliance Officer at the above address.

If for whatever reason you are unhappy with our response you may request an internal review by contacting [DP@hantsfire.gov.uk](mailto:DP@hantsfire.gov.uk) or by writing to the Data Protection Officer at the above address.

Should you remain dissatisfied you can appeal against the internal review decision by contacting the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.

Yours sincerely

Information Compliance Officer  
Hampshire and Isle of Wight Fire and Rescue Service