



HMO APPLICATION INFORMATION

Scottish Fire and Rescue Service (SFRS) is committed to reducing risk in the Community and this is done by having an “Integrated Risk Management Plan”. This is a process which considers prevention, protection and response options to incidents.

SFRS are also the Enforcing Authority for fire safety in the Aberdeenshire area and carry out audits of non-domestic premises to ensure that they comply with the requirements of the law, i.e. Part 3 of the Fire (Scotland) Act 2005 (as amended).

Houses of Multiple Occupation (HMOs) are premises where 3 or more qualifying persons reside.

HMOs are audited by SFRS and the following guidance is issued to assist you as the “dutyholder” (that is the person who is responsible under the Fire (Scotland) Act) to meet your responsibilities under this Act.

- A fire safety risk assessment is **required to be carried out for the premises** by a competent person
- The outcome of the fire safety risk assessment should be recorded in an easily retrievable manner and **available for inspection at all reasonable times**
- Risk assessment should be ongoing and reviewed regularly

It is the intention of SFRS to carry out an audit of your premises and **inspect your fire risk assessment**.

In addition to SFRS providing general advice on compliance issues, the Scottish Government have, for the first time, issued what is known as ‘sector specific guidance’ to assist those with compliance responsibilities to meet their duties.

Further Advice and Information

Section 67 of the Fire (Scotland) Act 2005 allows referral of a dispute between an Enforcing Authority and a person who has duties under Chapter 1 of Part 3 of the Act (a “dutyholder”), for determination in a situation where the enforcing authority consider that a dutyholder has failed to comply with the Chapter 1 duties and the Enforcing Authority and the dutyholder fail to agree on what action should be taken.

Section 67 of the Act only allows a referral for determination to be made where both the enforcing authority and the dutyholder agree that such an application should be made. Neither party can act without the consent of the other. An application for determination submitted with the approval of one party only is outwith the scope of section 67 of the Act and will not be considered.

Further information regarding the legislation and associated guidance may be obtained from <http://www.scotland.gov.uk/Topics/Justice/public-safety/fire-and-rescue-services/FireLaw> or should you require any further information regarding the comments contained within this letter, then please do not hesitate to contact a Fire Safety Officer by mail at the address below, telephone (01779 471645) or email (aandmfiresafetyenquiries@firescotland.gov.uk)

Footnote

Duty holder is, (Any person or organisation with any control of a relevant premises by virtue of sections 53 and/or 54 of Part 3 of the 2005 Act) such as an Employer, Occupier, Landlord, Managing Agent, (Person with control or ownership of common areas) Self Employed, Voluntary Organisation, Tenant or Contractor with maintenance safety obligations.