

# Building owners cutting corners on emergency lighting

Too many building owners are cutting corners when it comes to emergency lighting, despite past tragedies, according to a report by Hilclare

Despite previous studies highlighting the dangerous gaps in emergency lighting, it remains an issue today. According to a 2020 Hilclare report, 44 per cent of firms in England do not have the correct emergency lighting.

In 2018, *Inside Housing* revealed over a third of England's social housing tower blocks have inadequate emergency lighting. In a survey of 1,584 tower blocks – 40 per cent of the country's total social stock – a total of 402, or 25 per cent, had missing or broken emergency lighting on the residents' escape routes.

Prison sentences are a real consequence of poor emergency lighting practice and fines are growing in their severity:

- Fire safety solicitor Warren Spencer reviewed 200 of his cases from 2006 to 2019 brought under the Fire Safety Order legislation and found that the average fine for breaches since the Grenfell fire tragedy is £27,519, more than a third (35 per cent) higher than the average across 2014-2019, which is £20,375. Other findings included:
  - £1,230,879 has been handed out in fines, and the total costs ordered is £819,616.
  - Out of 200 cases, only nine defendants have pleaded not guilty to all charges brought.
  - Article 14 of the Fire Safety Order relating to emergency routes and exits is the most enforced.
  - The maximum sentence under the Fire Safety Order is two years imprisonment. The range of sentences handed out across Spencer's cases varied,

with fines being the main punishment. Out of three cases (six defendants) involving fatalities, two of these cases resulted in suspended prison sentences.

- Government figures from a Freedom of Information requested by Spencer showed that between 2006 and 2009, defendants were convicted of 1,904 charges. Of those charges, 443 (23 per cent) related to article 14 emergency routes and exits. Multiple occupancy (HMOs) premises represent 17.5 per cent of the national cases prosecuted.

Some of the most high-profile incidents include:

- The owner of the New Kimberley Hotel in Blackpool – dubbed a 'death trap' – was handed an 18-month prison sentence in 2015 for breaching the Fire Safety Order, with no proper emergency lighting cited as one of the breaches.
- A Cardiff care home operator was fined £400,000 (plus fees) in 2020 due to fire breaches putting residents at "serious risk", including deficient emergency lighting.
- In 2018, a private landlord was fined £400,000 over a lack of emergency lighting in a property in Lincoln.
- The owner of a hotel in Yorkshire was fined over £50,000 for fire safety offences in 2018, including a failure to monitor and maintain the emergency lighting.

**Why are outdated and/or substandard emergency lighting systems so common in the UK?**

Anthony Martindale, field

product manager, lighting, Eaton said: "Emergency lighting in a building can quickly fall out of compliance due to damage, lack of testing or maintenance and shifting regulation. A 'fit and forget' mindset is at the heart of why outdated and faulty emergency lighting systems are so prevalent today. Compliance often falls between the accountability cracks, particularly as building owners and facilities managers frequently employ third parties to test and rectify issues with emergency lighting systems – washing their hands of the upkeep, yet remaining accountable for compliance in the eyes of the law."

**Other than the potential human impact, what kind of consequences are there for non-compliant emergency lighting in a building?**

"Sub-standard emergency lighting systems could lead to inefficient evacuation during an incident – bringing about injuries or worse still, loss of life. Yet in addition to the potential human impact, there are financial consequences. While the use of fire safety equipment can aid in the reduction of insurance premiums, it can also have the opposite impact when done incorrectly. Insurance companies can use non-compliance with fire safety orders as a reason for not paying out. Beyond this, the reputational impact must be considered – from putting off potential employees and customers to impacting share prices."



Anthony Martindale, field product manager, lighting, Eaton

**How can facilities managers and building owners avoid these consequences?**

"To avoid the variety of consequences that come with outdated emergency lighting, a series of best practice initiatives can be followed. First, an up-to-date risk assessment must be kept for all buildings and needs to be updated on a regular basis in order for your building to comply; this will determine the type of emergency lighting system required. The ultimate goal of fire specific risk assessment is to identify and mitigate the number of fire hazards in a building. It is performed by an assessor who considers all the potential dangers within a premise. Naturally, the risks identified should be balanced by appropriate fire protection systems to meet regulation standards and ensure fire safety shifts from afterthought to fundamental safety requirement."

Chris Watts, fire safety consultant, BAFe board member, Chairman of British Standard committee responsible for BS 5266-1 (code of practice for emergency lighting), provides

► further insight. As convenor, he introduced CEN EN 1838, CENELEC EN 50171 and 50172 European emergency lighting standards and is recognised as an industry expert on their development.

### How can facilities managers meet their legal duty of safety?

“Facilities managers are responsible for the safety of occupants in their premises so they have a duty to check the competence of fire safety providers when sourcing help to protect their building. Given that facilities managers are unlikely to be experts in building and fire safety standards, the recommendation is always to verify that their suppliers have a third-party certification that is appropriate and valid for the work required. Sadly, it is all too easy for those without experience of fire safety and protection to put their faith in

individuals without the right qualifications or competencies – leading to inadequate equipment being installed or a lack of suitable testing and maintenance. BAFe – the independent registration body for third party certified fire protection companies across the UK – is a useful starting point for anyone wanting to meet their legal duty of safety. By going through the independent register of quality fire safety service providers, facilities managers can find independently audited and competent professionals able to help them meet their fire safety obligations.”

### Is emergency lighting legislation in the UK fit for purpose?

“Emergency lighting legislation in the UK is fit for purpose – if followed! Sadly, all too often it is just not implemented correctly. For example, the principal of fire risk assessments is much more

suitable than blanket rules which may be inappropriate for particular applications. When done correctly by qualified individuals, fire risk assessments provide a measured response to risk levels. However, they only work when implemented correctly. This means not only ensuring the assessment is carried out by individuals with the right training, but also proceeding with the correct level of follow-up in terms of inspections, maintenance and – when required – repairs. Incidents occur when the initial assessment falls short, or follow-up is inadequate.”

### What will it take to see a shift to prioritising safety which meets – or even exceeds – standards?

“Unfortunately many individuals take a short-term view when considering fire safety. Investing in quality equipment solves the problem in the long-term, yet many are swayed by the false economy of opting for the

lowest cost deal to tick a box at a moment in time. If they choose substandard systems and don’t engage certified professionals to do the installation, they usually end up paying more in the long-run to replace or repair faulty technology. Furthermore, if an incident occurs and the individual responsible for the building has clearly not done their due diligence, that false economy becomes even more pronounced as they are hit with major fines – or even a prison sentence.

“Ultimately, fire safety should never be viewed as a short-term problem to be solved for the minimum cost. Until that short-term mindset evolves into a longer-term view which prioritises safety and considers total cost of ownership rather just the initial price tag, we will continue to see substandard equipment installed, a lack of appropriate maintenance and, sadly, peoples’ lives needlessly put at risk.”

**P**eter Baker, HSE’s current Director of Building Safety and Construction, will take up the post of Chief Inspector of Buildings with immediate effect.

The government asked HSE to establish a new building safety regulator in the wake of the Grenfell Tower disaster and following recommendations in the *Building a Safer Future* report by Dame Judith Hackitt.

In his role as the Chief Inspector of Buildings, Peter Baker will head up the Building Safety Regulator to deliver the new regime for high-risk buildings, oversee work to increase competence of all professionals working on buildings and ensure effective oversight of the entire building safety environment. Peter will also be the first head of the building control profession, and lead the work to provide independent, expert advice to industry, government, landlords and residents on building safety.

## First Chief Inspector of Buildings announced

**The Health and Safety Executive has announced the appointment of a Chief Inspector of Buildings to establish and lead the new Building Safety Regulator**

Peter said: “I am honoured to be appointed as the first Chief Inspector of Buildings and for the opportunity to play a lead role in bringing about the biggest change in building safety for a generation.

“I look forward to working with government, industry, partner regulators and residents to shape and deliver a world-class risk-based regulatory system for the safety and standards of buildings that residents can have confidence in and that we can all be proud of.”

Peter has over 30 years’ experience with HSE as an Inspector and in a number of senior operational posts dealing with a wide range of industry sectors, including the role of HSE’s Chief Inspector of Construction.

Dame Judith Hackitt, Independent adviser to Government on Building Safety and Chair of the Transition Board, said: “I am delighted to hear of Peter Baker’s appointment as the new Chief Inspector of Buildings. With his impressive background experience in regulating both major hazards industries and construction he brings a wealth of experience to this important new role.

“I very much look forward to working with Peter as the new Building Safety Regulator is established as we move to establish a new regime where people can be confident that their homes are safe and fit for purpose.”

Minister for Building Safety, Lord Greenhalgh, said: “I welcome the appointment of

Peter Baker as the first national Chief Inspector of Buildings. Peter will use his and HSE’s wealth of experience to implement a tougher regulatory regime.

“I look forward to working with Peter and his team to ramp up engagement with residents and the sector as part of the biggest changes to building safety in a generation, backed by our £5 billion investment to fully fund the cost of replacing unsafe cladding for all leaseholders in residential buildings 18 metres (six storeys) and over in England.

“We have a comprehensive plan to remove unsafe cladding, support leaseholders, restore confidence to this part of the housing market and ensure this situation never arises again.”