



# Fire Safety Law & Guidance

Takeaway - Fast Food Outlets & Similar Premises

**East Sussex**  
Fire & Rescue Service

[www.esfrs.org](http://www.esfrs.org)

If you own or manage a takeaway fast food outlet then the fire safety law applies to you.

The legislation is the Regulatory Reform (Fire Safety) Order 2005 and it places a statutory duty on those responsible for such premises.

This guide provides an outline of what you must do to comply with these responsibilities.

## **Protecting people from fire**

The law requires you to protect people who use your premises from fire AND people who may be affected from a fire on your premises. This includes:

- Customers
- Employees
- People who live in the building.

The law applies both during and outside of the opening hours of the business.

### **What you must do**

All people must be able to escape safely from the building in the event of fire.

In order to identify who may be at risk from fire and how a fire may break out the law requires you to carry out a fire risk assessment. This will help you identify the risk of a fire starting, how it will spread and who may be harmed or trapped.

Premises like takeaway and fast food outlets and restaurants often have a higher risk of fire starting because of the cooking processes and can present a risk to any persons living above the shop who may be trapped by fire.

### **How you do it**

To carry out a fire risk assessment:

- Identify the hazards – sources of ignition and sources of fuel
- Identify people at risk
- Remove or reduce the risk and protect people from harm
- Record, plan, inform, instruct and train
- Review.

Following the fire risk assessment you may need to implement measures such as fitting a suitable fire alarm and enclosing escape routes in fire resisting construction so that people can escape if the building is on fire. You will need to provide information to relevant persons (employees, customers and residents) on the fire safety measures provided.

If you employ five or more people (including any who work part time) or if the business is licensed, the law states that you should keep a written record of the significant findings of the assessment. It is advisable to keep such a record in any event, so that you can carry out reviews and demonstrate compliance.

## Guidance Documents to help you carry out the fire risk assessment:

The government has produced some guidance documents that will assist you in carrying out your fire risk assessment. These can be accessed freely at:

- For small premises (which will cover the majority of takeaway type premises)  
[www.esfrs.org/resources/assets/attachment/full/0/304.pdf](http://www.esfrs.org/resources/assets/attachment/full/0/304.pdf)
- More in depth information can be found:
- For sleeping accommodation (in regard to takeaway type establishments this relates to the sleeping accommodation above or adjoining the establishment where the occupants could be affected by a fire on the premises)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/422192/9281\\_Sleeping\\_Accommodation\\_v2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422192/9281_Sleeping_Accommodation_v2.pdf)
- For offices and shops (a takeaway establishment could be considered a shop)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/422175/9449\\_Offices\\_and\\_Shops\\_v2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422175/9449_Offices_and_Shops_v2.pdf)
- For small and medium places of assembly (this applies to cafes and takeaway type establishments)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/422195/9294\\_Small\\_Meeting\\_v2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422195/9294_Small_Meeting_v2.pdf)

A sample fire risk assessment template for small premises can be found at  
[www.esfrs.org/resources/assets/attachment/full/0/1863.doc](http://www.esfrs.org/resources/assets/attachment/full/0/1863.doc)

## **Small takeaway and fast food premises**

The questionnaire that follows is designed to assist you in completing your fire risk assessment, when you have been through the checklist you should record your findings as explained in Step 4 of the checklist. A risk assessment template is available for your use on the ESFRS website and the link is provided on the previous page. Completing it will lead you to address the main areas required. It remains your duty to make sure that the fire risk assessment is suitable and sufficient.

### **Step 1**

Identify the hazards - sources of ignition and sources of fuel

#### **Guidance questions – sources of ignition and fuel**

##### **Cookers (including microwaves, fryers and grills)**

Question	Yes	No	Action
Is the cooker serviceable and properly maintained?			
Is the cooker and area around it cleaned regularly – preventing fire development?			
Do employees using cooking equipment know how to use it correctly and have they received appropriate instruction?			
Is cooking equipment properly maintained and suitable for purpose? – check that saucepans, frying pans and so on have firmly fitting handles for example.			
Is the area around the cooker kept clear of combustible materials as far as possible?			
Is the extraction system cleaned preventing a build-up of fatty deposits which can ignite or contribute to the spread of fire?			
Is there sufficient light to enable safe cooking?			
Is there enough room around the cooker to allow operatives to move around without knocking into each other?			
Is the floor around the cooker regularly cleaned? Are there any trip hazards around the cooker?			
Is the floor surface suitable – i.e. not slippery?			
Is there a procedure for checking all cooking appliances are switched off at night?			
If your cooking equipment is behind a counter can people using the premises escape if the cooking materials catch fire? This is especially important if deep fat fryers are being used which may result in a rapidly developing fire.			

## Fridges

Question	Yes	No	Action
Are the fridges maintained in good working order?			
Are the areas around the fridge motor kept clean and free from combustible materials?			
Are the electric cables supplying the fridges in good order?			

## Electricity

Questions	Yes	No	Action
Are the electric cables in good repair?			
Has the electrical system been installed by a qualified electrician?			
Has the electrical system been inspected by a qualified electrician?			
Have you ensured that cables do not run across the floor where people can tread on them and damage them?			
Are electric cables properly secured?			
Are extension leads kept to a minimum?			

## Heaters

Question	Yes	No	Action
If gas fires are used is there sufficient ventilation for their use?			
Are gas fires suitably placed and guarded?			
Are they suitably fixed in position?			
Is the area around the fire kept clear of combustible material?			
Are gas fires regularly serviced?			
Are electric heaters regularly serviced?			
Are electric fires kept away from accidental contact with water?			
Are electric fire cables checked regularly for sound condition?			
Is the area around the fire kept clear of combustible material?			

Are heaters kept away from curtains?			
Have heaters which employ a naked flame (gas) or high temperature element (electric bar heaters etc) been replaced with an alternative?			

### Candles

Question	Yes	No	Action
If candles are used are they positioned in appropriate containers?			
Are they positioned so that they cannot ignite persons clothing?			
Are they used where they can't be knocked over?			
Are they properly extinguished at night/after use?			

### Smoking

Question	Yes	No	Action
If people who smoke are working on the premises have you made them aware that it is not permissible to smoke in the kitchens and public areas of the premises?			
Do smokers have an area outside in which to smoke and are ashtrays provided for safe disposal of cigarettes?			
Is the smoking area kept free from combustible materials?			

### Rubbish and waste

Question	Yes	No	Action
Do you have an area where rubbish and waste products can be kept outside of the building prior to disposal/collection?			
Do you have a procedure to ensure that rubbish and waste is regularly cleared from escape routes?			
Do you have containers to keep rubbish and waste in?			
Are you able to contain excess rubbish and waste in bin bags?			

The fire escape routes and exits must be kept clear for all persons which includes employees, customers and any residents who may live on the premises. Are you able to ensure that rubbish and waste products do not block fire exits and escape routes?			
Have you considered the proximity of rubbish and waste storage to sources of ignition (heaters, discarded cigarettes and so on)?			

### Storage of goods and cooking materials

Question	Yes	No	Action
Can you ensure that the purchase of bulk goods can be stored safely and without blocking fire escape routes and exits?			

### Sources of oxygen

It is unlikely that any specific oxygen enhancing apparatus will be present in premises of this nature. However, keeping doors and windows shut can help slow any developing fire.

#### **Step 2**

Identify people at risk

You must consider all persons who may be at risk if there is a fire in the building. This includes people who may live above or in adjacent rooms to the commercial area of the building as well as employees and visitors to the premises. Specific consideration needs to be given to vulnerable persons such as: the elderly, the very young, persons with disabilities (whether permanent or temporary). All persons should be evacuated from a premises in the event of fire.

#### **Step 3**

Remove or reduce the risk and protect people from harm

Once the fire risks (in Step 1) and the people (in Step 2) have been identified it is necessary to reduce the risk as much as is reasonably practicable. This should be done by addressing all the areas in Step 1 where the answer was “no”. It will then be necessary to give consideration to the escape routes and other fire safety precautions as follows:

#### **Means of escape – guidance**

The commercial area will constitute the highest risk. But the risk posed from fire starting in resident’s accommodation and how this will affect the means of escape must also be considered.

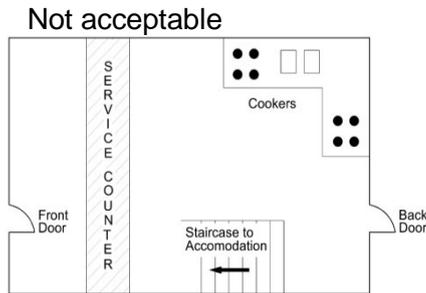
In order to ensure adequate fire safety provision people must be able to either:

- Turn their back on a fire and be able to leave the building by an alternative exit route to where the fire is **before** the effects of fire reaches them
- If there is only one exit route then this must be protected from fire and smoke and lead to a place of safety. This is called a ‘protected route’.

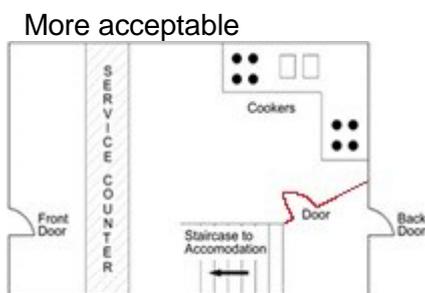
**Conditions which are unacceptable include:**

Internal staircases which open directly into kitchens, food preparation areas and the open areas of the commercial part of the premises.

For example:



A solution to the above is likely to be:



A protected route is one which cannot be breached by the effects of a fire for 30 minutes. This will enable people to evacuate the building if a fire has developed. The walls will have to be in good order and the doors sound (and fitted with self-closing devices in the majority of cases).

In the example provided above - the unacceptable layout would mean that any fire in the kitchen would prevent people from the accommodation above getting out of the premises as the staircase discharges into the open kitchen area. And any fire in the kitchen will spread up the staircase trapping the residents in their rooms.

In the more acceptable version a protected route has been provided which means that people can escape even if the kitchen is on fire.

This is the principle which must be used. Provide a protected route or provide an alternative escape route such as an external fire escape (people must be able to use it before the effects of fire reach them).

Obviously the example provided is very basic and is used simply to give an idea of the concept of a protected route but there are more examples given in the publications given at the start of this guidance.

**Guidance questions – means of escape**

Question	Yes	No	Action
Are residents in the building able to leave their rooms and either exit the building in a protected route or via a fire escape if there is a fire in the commercial part of the premises?			
Are the walls and ceilings of the route in good repair without holes and gaps where fire and smoke could enter?			

Are doors in good order and fitted with self-closing devices where necessary?			
Can customers and employees escape easily from the premises in the event of fire?			
Will the escape routes accommodate the numbers of people likely to use them in an emergency?			
Do doors on the escape routes open in the direction of escape?			
Can all final exit doors be opened easily and immediately if there is an emergency?			
Will everybody be able to safely use the escape routes from your premises?			
Are fire exits clearly marked as such for people who are not familiar with the building?			
Are the escape routes and final exits kept clear at all times?			

Please note that even if the residents who live above your takeaway premises are not associated with you – there will still be an obligation for you to consider their safety in the event of fire in the part of the premises for which you have control.

### Fire alarm

Early detection of fire and an appropriate alarm is necessary to give people time to evacuate the building before they are trapped by fire. This is particularly important when the people who may be affected are in rooms beyond or above the area where the fire starts.

In a small takeaway premises of two floors fire detection and sounders will be required covering the cooking and food preparation areas (these will normally be heat detectors) interlinked with smoke detection in the common areas (landings and corridors) serving the rest of the building. The volume of the alarm must be such that it will awaken sleeping occupants in their rooms.

It is essential that the alarm system is interlinked. This means that if one detector operates it will activate the sounders throughout the rest of the building.

If the commercial section of the building is completely separate from the residential i.e. there is a separate and independent entrance and exit to each section then a common alarm to both premises will not be required **but** the floor separating the properties will need to be upgraded to 1hr fire resistance.

Question	Yes	No	Action
Is a fire detection and alarm system fitted in the premises?			
Are heat detectors provided in the cooking areas?			
Are smoke detectors provided in the corridors and common areas?			
Is the alarm system suitable for the use of the premises?			
Will the existing detectors and their position identify and give the alarm of fire in time for all occupants to escape?			

Can the means of warning be clearly heard and understood by everyone throughout the whole building when initiated from a single point? Are there provisions in locations where the alarm cannot be heard?			
If the fire detection and warning system is electrically powered does it have a backup power supply?			
Do you know how the fire alarm system works?			
Is the system properly maintained?			
Is the system regularly tested?			

## Escape lighting

It is necessary to ensure that people can escape from the premises if the light is poor or the electricity supply goes off. In small and simple premises 'borrowed light' which is lighting from street lamps and so on may be sufficient for people to find their way out if there is a failure in powered lighting. But in areas with no windows and where light values are very low it will be necessary to provide emergency lighting. For staff the supply of hand torches may be sufficient but where members of the public gather or where residents have to find their way down staircases and along corridors fixed battery operated emergency lighting will be required.

Question	Yes	No	Action
Can people find their way out of the premises in periods of darkness when there is no electrically operated lighting?			
If emergency lighting is provided is it tested and maintained?			
If hand held torches are provided are the batteries renewed regularly?			
Can persons on the premises see the escape signs in an emergency when the lighting has failed?			
If you are relying on a borrowed light source (such as street lighting) can you be sure that the lighting will be available at all times the premises is occupied?			

## Fire Action

It is important that you know what to do in case of fire and it must be clear to users of the premises what they must do in the event of a fire emergency. To ensure compliance in this area you must produce an action plan – that is to say a procedure to be followed in case of fire. Depending on the complexity of the premises this may be anything from a simple instruction to leave the premises and call the fire service to a more comprehensive document indicating assembly points and so on.

The simplest way to inform persons of what to do in the event of a fire emergency in small premises is to provide instruction on signs and notices.

Signs are simple and generally form a pictogram with appropriate wording such as 'Fire Exit' whereas notices provide more information of what to do in case of fire.

If your takeaway food premises consists of little more than a counter with a clear way in and out there will be no need to mark exits for the customers but elsewhere in the premises they are likely to be needed.

Question	Yes	No	Action
Are the escape routes and fire exits clearly indicated as such?			
Have you provided notices such as those giving information on how to operate security devices on exit doors?			
Are any doors which enclose fire hazards and need to be kept closed clearly marked?			
Have you provided notices with instruction on what to do in case of fire?			
Is instruction provided on how to use firefighting equipment?			

## Fire Extinguishers

The provision of suitable firefighting equipment is essential to prevent small fires developing into major conflagrations which put people at risk. In small fast food outlets the most likely ignition source will be in the cooking and food preparation areas and for these hazards a foam, dry powder or perhaps carbon dioxide extinguisher would be expected along with a fire blanket. Elsewhere in the premises a water extinguisher may be provided to tackle fires developing in furniture, waste paper and materials of this nature.

The provision of these two extinguishers may be all that is required in small premises although it is wise to check with the property insurers in case they have further requirements.

It is important that the right extinguisher is selected for the right area and that they are correctly sited. All staff should be aware of how to use them – this can simply mean that they read and understand the instructions provided on the extinguisher itself. Remember that extinguishers are a ‘first strike’ tool to deal with a small and developing fire and as such no person should attempt to tackle a fire which has grown beyond this stage.

There are various means of obtaining fire extinguishers including direct purchase or they may be rented from an extinguisher company. If the rental option is chosen there is often a maintenance agreement which can be selected to ensure that the extinguishers are always serviceable. There are also extinguishers on the market which are sold as being maintenance free for up to ten years.

Question	Yes	No	Action
Are the extinguishers suitable for the risk?			
Are there sufficient extinguishers?			
Is a fire blanket provided?			
Are the extinguishers suitably located and easily accessible?			
Are the extinguishers maintained and serviced?			

## Testing and maintenance

It is important to ensure that the provisions for fire safety in your premises are tested and maintained. In many cases this will be simply a visual check to ensure that escape routes and so on are kept clear but some items such as the fire alarm will require a physical test. This is recommended weekly and the manufacturer's instructions should be followed as with fire extinguishers where an annual inspection is generally required.

Question	Yes	No	Action
Are all fire doors and escape routes regularly checked to ensure they are in good order and can be used effectively?			
Is emergency lighting tested?			
Are signs and notices checked?			
Is the fire alarm tested weekly?			
Do you keep a record of these tests?			

### **Step 4**

Record, plan, inform, instruct and train

## Training

For small fast food outlets ensure that all new employees are informed of the fire procedures and are shown how to use any firefighting equipment provided. Particular attention should be paid to high fire risk areas such as the cooking and food preparation areas where the likelihood of a fire starting is highest.

Knowledge of the action to take in case of fire must be known by all persons who reside on the premises so you must ensure that any new residents are clearly briefed of what to do in an emergency.

## Summary of significant findings

In this part of the fire risk assessment you should record all the matters which require attention – if you have followed the questionnaire provided you will be able to do this simply and effectively.

An example could be something like a requirement to empty the kitchen bins twice a day to prevent the build-up of flammable material. You may also record here those issues for which you have made special provision to reduce the fire risk.

## Action plan

You should record here any work that needs completing to improve the fire safety within the premises and provide an anticipated completion date.

### **Step 5**

Review

It is important that you review your fire risk assessment – we recommend that you do this annually following any significant changes to the premises or operations, after any fire or near hit, and at any other time where you suspect it may no longer be suitable and sufficient and record the date each time.