

Commercial leases (shops):

Managing safety



If you need assistance understanding the information in this document, please contact us on **0300 365 1111**.

01

Health and safety requirements

One Vision Housing (OVH) is responsible for letting a commercial unit/shop which is fully compliant with health and safety regulations, and then this responsibility passes to you as tenant when the lease commences.

The following information has been provided to assist tenants in ensuring ongoing compliance with the law and keeping occupants and visitors safe, and should not be considered an exhaustive list.

You are responsible for the health and safety of, and have a duty of care for, everyone affected by your business and its activities. This includes both employees and visitors to the premises.

OVH is only responsible for compliance with any health and safety requirements related to the communal/ common parts of the building in which your unit is located. You are responsible for all health and safety legislation and good practice that relates to the area demised under the terms of your lease.

You should conduct a thorough assessment of the risks your business faces. If you employ more than five people, you must have a written policy for how you look after health and safety.

Further information can be found from the Health and Safety Executive at **www.hse.gov.uk**.

All tenants should keep themselves updated and satisfy themselves in respect of all their health and safety responsibilities and requirements.



This information is not exhaustive and is provided as guidance only. You should obtain your own advice about health and safety compliance and ensure you take your responsibilities seriously.

EMERALD GARDE



02

Fire safety and fire risk assessments

The Regulatory Reform (Fire Safety) Order 2005 applies to all non-domestic premises in England and Wales. The law applies to you if you are responsible for business premises, an employer or self-employed with business premises, a charity or voluntary organisation. Under the Order, the responsible person must take steps to:

- Identify and control any fire risks
- Carry out a fire risk assessment
- Implement and maintain a fire risk management plan

As the occupier of the premises, you must undertake a fire risk assessment. A written record must be made if you employ five or more people, or a licence is in force for the premises, such as one for the sale of alcohol or providing entertainment.

You must ensure combustible materials are not stored within any internal escape routes.

Refuse Bins and any other containers for rubbish should not be stored within six metres of the external parts of the building.

03

Electrical safety

You must assess the risks of your use of electricity at work and take steps to control these risks - from ensuring electrical installations are safe, and providing suitable equipment, to carrying out preventative maintenance and ensuring safe systems of work.

BS 7671 (IET Wiring Regulations)/ The Electricity at Work Regulations sets out the frequency of inspections and testing of electrical installations in commercial premises. We strongly recommend you seek independent professional advice in regards to electrical safety as individual requirements differ depending on the type of commercial premises being occupied and your use.

Further information can be found on the HSE website at www.hse.gov.uk

Portable appliance testing

The law governing the testing of portable equipment is:

- Electricity at Work Regulations 1989
- Provision and Use of Work Equipment Regulations 1998

The law requires employers to assess risks and take appropriate action.

Further information can be found on the HSE website at www.hse.gov.uk



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LEASEHOLD SAFETY



04

Gas appliances

In the event of your premises having any form of gas appliances and/or flues, they must be tested in accordance with the Gas Safety (Installation and Use) Regulations 1998. In commercial premises it is the tenant's responsibility to undertake these tests.

The Gas Safety (Installation and Use) Regulations 1998 require that:

- A gas boiler is serviced annually by a Gas Safe registered engineer
- Gas catering equipment is serviced annually by a registered engineer
- All gas appliances have an annual gas safety check carried out by a registered engineer
- Any works identified as necessary by the competent Gas Safe engineer must be completed within the time frame specified
- Any orders to not use a gas appliance by a Gas Safe engineer must be followed until the necessary repairs have been completed and the gas installation certified as safe to use by the Gas Safe engineer

Gas Safe Register is the official gas registration body for the United Kingdom and operates under an agreement with the Health and Safety Executive.

Find out more:
[gassaferegister.co.uk](https://www.gassaferegister.co.uk)

05

Water supply

Employers who manage premises with hot/cold water services and/or wet cooling systems (e.g. evaporative condensers) must understand the health risks associated with legionella and how to control those risks.

For the technical detail on how to manage and control the risks in your system, you should consult the Approved Code of Practice (ACOP L8) and associated guidance, including "The control of legionella bacteria in water systems" and "Legionnaires disease: A brief guide for duty holders," which are available on the HSE website at:

www.hse.gov.uk
(search for legionella)

OVH is responsible for managing any legionella risk associated with any communal/common parts of the building in which your unit is located.

You as the lessee are responsible for the control of Legionnaires disease relating to the area demised under your lease.



06

Asbestos

Whoever is responsible for maintaining all or part of a business premises (or any building or premises that is not a private dwelling) has a legal duty to manage any asbestos in that premises.

In the event that maintenance responsibilities are not clearly specified, the legal duty rests with the party which has the greatest degree of control over the premises.

In most circumstances the responsibility lies with you as the tenant.

Where you are the legal duty holder, you must comply with current

legislation which includes but is not limited to:

- Take reasonable steps to determine the location and condition of material likely to contain asbestos
- Presume materials contain asbestos unless there is strong evidence that they do not
- Keep an up to-date record of the location and condition of the asbestos containing materials (ACMs) or presumed ACMs in the premises
- Assess the risk of the likelihood of anyone being exposed to fibres from these materials
- Provide information on the location and condition of the materials to anyone who is liable to work on or disturb them
- Prepare a plan setting out how the risks from the materials are

to be managed

- Take the necessary steps to put the plan into action
- Review and monitor the plan periodically

Remember that even if you are not legally responsible for managing asbestos risks in your premises, you have a legal duty to co-operate with the party who is, this is known as the 'duty to assist'.

If the tenant has the responsibility, a landlord must disclose relevant information to both current and new tenants.

If you as the tenant and lessee where to sublet part or the whole of your premises (subject to the terms of your lease) you must disclose any relevant information to those other parties.

A copy of any asbestos surveys undertaken by OVH will be provided to tenants at start of their lease, and will relate to the area occupied as part of the 'duty to assist'.

Anyone undertaking any work to the premises must check for asbestos before commencing.

Further information can be found on the HSE website at www.hse.gov.uk

07

Smoking

Smoke-free legislation was introduced in England in 2007, banning smoking in nearly all enclosed workplaces and public spaces. Businesses must:

- Display 'no smoking' signs in all workplaces and vehicles
- Make sure people don't smoke in enclosed work premises or shared vehicles

Staff smoking rooms are not allowed. All smokers must go outside. Please ensure any staff or visitors that smoke:

- Smoke outside away from any buildings
- Do not cause a nuisance to any occupier(s) or members of the public
- Dispose of cigarettes and any other smoking related items responsibly

Businesses can be fined up to £2,500 if they don't stop people smoking in the workplace, or up to £1,000 if they don't display 'no smoking' signs.

Further information can be found on the Smoke Free England website:

www.smokefreeengland.co.uk

If you need assistance understanding the information in this document, please contact us on **0300 365 1111**.

Chinese

如果您需要幫助了解本文檔中的信息，請致電 **0300 365 1111** 與我們聯繫。

Lithuanian

Jei norite, kad Jums kas nors padėtų suprasti šiame dokumente pateiktą informaciją, prašome su mumis susisiekti tel **0300 365 1111**.

Polish

Jeśli potrzebujesz pomocy, by zrozumieć informacje zawarte w tym dokumencie, skontaktuj się z nami pod numerem **0300 365 1111**.

Portuguese

Caso necessite de assistência para compreender a informação constante neste documento, deverá contactar-nos através do **0300 365 1111**.

Russian

Если вам требуется разъяснение информации, содержащейся в данном документе, пожалуйста, свяжитесь с нами по телефону **0300 365 1111**.

Turkish

Bu belgede verilen bilgileri anlama konusunda desteğe ihtiyacınız olursa lütfen bize ulaşın **0300 365 1111**.