



Risk control

Unoccupied Premises – Minimising Risk



In partnership with



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Unoccupied Premises

Unoccupied premises are often at increased risk of various forms of criminal activity as well as from deterioration – particularly if the building is left empty for an extended period.

Unoccupied premises could be the target of intruders for a range of reasons including:

- To steal any remaining contents from the building
- To strip the building of any materials – often for their scrap value, such as any lead in roof structures, electrical equipment, or plumbing items such as pipework, radiators, and boilers. Thieves may also target architectural items such as doors and fireplaces, which may be perceived to maintain some resale value
- To vandalise or set fire to the building
- For recreational purposes such as drinking alcohol, drug taking, vandalism (graffiti) or squatting

Legal Considerations

The Occupiers Liability Acts of 1957 and 1984 are laws that govern the duty of care owed by occupiers of premises to visitors and trespassers.

Occupiers Liability Act 1957

This Act¹ primarily deals with the duty of care owed to lawful visitors. It requires occupiers to ensure that visitors are reasonably safe while using the premises for the purposes for which they are invited or permitted to be there.

The duty of care is applicable to all types of visitors, including invitees, licensees, and those with contractual permission.

The Act allows occupiers to limit or exclude their liability through warnings or notices, provided these are reasonable and sufficient to ensure safety.

Occupiers Liability Act 1984

This Act² extends the duty of care to trespassers, albeit in a more limited form compared to lawful visitors.

It requires occupiers to take reasonable steps to prevent injury to trespassers if they are aware of the danger and know that trespassers might come into the vicinity of the danger.

The duty is primarily concerned with personal injury rather than damage to property.

The Act allows occupiers to discharge their duty by taking reasonable steps to warn trespassers of the danger or to discourage them from encountering it.

Together, these Acts establish the legal framework for occupiers' liability, balancing the rights and responsibilities of both occupiers and individuals entering their premises.

Asset Protection

It is unlikely that a single standardised approach will be a suitable and proportionate solution for all unoccupied premises. There are a range of risk factors to consider to determine the level of risk exposure including:

- The location of the building
- The construction and security standards of the building
- Duration the building has remained unoccupied

Undertaking an initial risk assessment will enable consideration to be made of the significant risks the premise is exposed to and allow for the determination of appropriate control measures.

The risk assessment should take account of risks specific to the premise as well as more generic concerns such as:

- Arson and fire risk
- Theft risk
- Weather related risks
- Lawful and unlawful visitor safety

Risk Mitigation

The following risk mitigation strategies should be considered to protect premises:

Human Element

- Undertake risk assessments to identify risks
- Develop self-inspection checklists
- Turn off all but essential services to the premises
- Isolate services such as any gas, electrical, and water supplies unless they are essential for maintaining heating, fire and / or security protections
- Remove all rubbish and other combustible materials from the building and immediate area
- Purge all fuel tanks
- Remove any temporary buildings from the site
- Ensure that contractors are adequately managed and supervised – particularly when any hot work is undertaken
- Restrictions on smoking should be enforced for all visitors, contractors, and security personnel

- Check the building is wind and watertight and look for evidence of entry or vandalism
- Conduct routine documented inspections at least weekly and implement a procedure to remedy any identified issues without delay

Physical Element

- Security principles should be applied to reduce the level of attraction and to deter or deny entry
- Perimeter fencing can be installed to restrict access. This should be maintained in good condition
- Security lighting such as effective overnight or movement activated external lighting should be provided
- External doors should be robust and fitted with good quality locks or padlocks, to BS362³ or BS8621³ or equivalent
- Vulnerable doors should be protected by external 1.6mm steel sheeting which is coach bolted through the door
- Doors which are not required for access for inspection purposes should be 'boarded up'
- 24 hour guarding of the site may be necessary depending on the location and attractiveness of the premises
- Existing intruder alarm protection and maintenance should be retained during unoccupancy of the premises; it is important that alarm response arrangements are maintained
- Temporary alarm systems, designed for unoccupied buildings are available and should be installed where there is no existing intruder alarm protection
- Closed Circuit Television (CCTV) Surveillance, if already installed, should be maintained during unoccupancy of the premises and off-site monitoring continued
- Fire protections standards for the premises should be maintained
- Automatic sprinkler protection should be retained where practicable. The systems should be tested weekly. If it is impracticable to retain sprinkler protection, the system should be drained, and the water supplies isolated.
- Automatic fire alarms should be maintained, with off-site alarm response arrangements in place. The system should be tested weekly

Insurance Cover

It is important to take steps to minimise the risk to unoccupied premises and to comply with insurance policy terms, conditions, and exclusions to maintain policy cover. This includes taking *reasonable precautions*. For an understanding of the cover, please refer to the policy terms

and conditions with any doubts or questions directed to the insurance broker or relevant RMP Account Director.

Reference

1. The Occupiers Liability Act 1957, available at: <https://www.legislation.gov.uk/ukpga/Eliz2/5-6/31/contents>
2. The Occupiers Liability Act 1984, available at: <https://www.legislation.gov.uk/ukpga/1984/3/contents>
3. British Lock Standards BS3621 or BS8621 – What Does This Mean? Key Access Locksmiths. Available at: <https://keyaccesslocksmiths.com/british-lock-standards-bs3621-or-bs8621-what-does-this-mean/>

Further information

For access to further RMP Resources you may find helpful in reducing your organisation's cost of risk, please access the RMP Resources or RMP Articles pages on our website. To join the debate follow us on our LinkedIn page.

Get in touch

For more information, please contact your broker, RMP risk control consultant or account director.

contact@rmpartners.co.uk



Risk Management Partners

The Walbrook Building
25 Walbrook
London EC4N 8AW

020 7204 1800
rmpartners.co.uk

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