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Reuse of Empty Buildings

Use it or loose it !

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Each year there are around 9000 fires in empty buildings to which the fire brigade are called. The FPA estimates that fires, theft and malicious damage in empty premises (including dwellings) causes losses in excess of £100 million each year.

Intruders into empty buildings will have a number of motives:

- They may try to use the premises for commercial or similar purposes (so-called 'fly tenants' or for 'raves').
- For illegal drinking or drug taking.
- To strip the premises of anything of value such as electrical or plumbing fittings and architectural fittings.
- To vandalise the premises or burn them down.
- To squat on a permanent or semi-permanent ('dossers') basis.

It is clear to all informed observers that leaving premises empty and unmanaged is simply setting them off down a slope which leads, given enough time, to eventual destruction.

This paper, by the Convener of the working party which recently produced insurers' guidance on the protection of empty buildings*, suggests that where an existing commercial or industrial building is to be vacated it is necessary to manage the shutdown in an orderly, organised and structured fashion. He suggests a number of measures which will help to reduce the risks and makes a plea for sensible criteria to be adopted to enable optimum reuse to be permitted.

The Problem

One of the more visible signs of the recent recession has been the sight of empty and boarded up shops in the High Streets of Britain. Such properties are prone to theft, damage (especially

arson) and intrusion by squatters. Sensible precautions are taken at the time the property is vacated can minimise these risks.

It is sometimes forgotten that buildings need proper protection at all stages of their life - from construction to demolition. While perhaps the most vulnerable phase for a building is when it is empty, this situation can occur at many stages, including immediately after completion.

Each year in Britain fire brigades attend around 9000 fires in empty buildings. No official figures are available to quantify these losses but the Loss Prevention Council estimates that fires, theft and malicious damage in empty premises (including dwellings) causes losses in excess of £100 million each year.

In August 1995 the LPC published a code of practice¹ to assist those responsible for the management of unoccupied buildings and the guidance in this article is extracted from that document.

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The attractiveness of empty buildings to younger intruders as a playground should not be ignored.

The potential danger to the intruders themselves must not be overlooked - even trespassers have certain rights and liability implications (see below) on owners and their representatives can result in potentially significant exposure.

The Solution

The safety and security of all premises, whether occupied or empty, is a management responsibility and must be subject to the same disciplines as all other aspects of management. In the case where an existing commercial or industrial building is to be vacated and no other occupant is to move in, it is necessary to manage the shutdown in an orderly, organised and structured fashion. The move out may be part of a relocation or possibly part of a company or branch closure. Both activities need to be properly managed.

If the building is being vacated and a managing agent is to take over responsibility (whether for looking after or selling the building) then a proper hand-over should take place accompanied by an inspection. At the same time a risk assessment should be undertaken, either by the owner or agent and appropriate measures taken to reduce the risk of fire or intrusion. Where the assessment indicates that there is a high risk of intrusion or malicious damage then steps should be taken to improve the levels of security and protection.

Items of value should be removed by a predetermined date and if the building is likely to remain empty for more than a few weeks then action should be taken to remove all waste, surplus furniture or all items not forming part of the fittings. This should include, where possible, floor coverings, particularly as these are likely to be combustible.

Action should then be taken to 'put the building to sleep' and this would include providing physical protection to the exterior and possibly upgrading the level of perimeter security. The necessary isolation of services and utilities and checking of protective installations should all be undertaken at this stage.

Empty premises in town centres create specific problems of security for owners of the premises and their insurers, the owners/occupiers of neighbouring premises, the local authority and the users of the town centre.

In addition to the hazards already identified particular consideration should be given to the impact of:

- Fly posting
- Vandalism
- Graffiti

These activities and their impact on the appearance of the building or site can begin a spiral of decay which, if unchecked, can drive business away from neighbouring shops and trigger the beginnings of a run-down of the area to the detriment of the whole community.

The optimum solution is to maintain evidence of legitimate occupation and reduce the risk of successful attack and reduce the risk of successful attack together with action to minimise sources of ignition and the amount of combustible material inside and outside the building. This will reduce the risk of a serious fire and the risk of an attack or intrusion becomes much less likely.

Other actions which should be considered would include:

- Optimisation of the levels of physical security.
- Ensuring that any postal or other deliveries are stopped.
- Removing graffiti and undertaking minor repairs promptly.

Short Term Occupation

As mentioned, continued evidence of occupancy is the best method of deterring intruders so consideration may also be given to:

- Offering the premises, on short term loan, to responsible voluntary organisations, or the local authority.
- Making full use of any living accommodation attached to the premises.
- Utilising the services of a security company to visit the premises on a regular basis or even to provide a permanent presence on site.

The implications of legislation and fire certification in respect of such buildings may prohibit or constrain alternative or short term occupation and advice should be sought from the local planning authority, the fire authority. The property insurers should also be consulted.

Arson and Vandalism

Repeated vandalism to buildings such as that caused when stripping out fittings or starting small fires results in overall weakening of the structure of the building and this can have serious consequences for firefighters attempting to gain entry to fight fires.

In the case of a building which is to remain unoccupied for a long period information should be provided to the local fire brigade. This might include:

- The state of the water supplies to the site, particularly where fire water supplies or sprinklers have been disconnected.
- If the building is to be brought into temporary or occasional use.
- The ease or otherwise of access to the premises and the availability of keyholders.

Insurance Implications

The insurance policy covering may not provide the cover needed if the insurer has not been told that it is no longer occupied. It is therefore essential that the insurer or broker is informed immediately premises become empty but where possible such notification should be given as soon as the policyholder decides to vacate the premises. This is an important part of managing the building's run down.

In most cases the insurance cover for the empty building will be dependent upon an agreed minimum level of security commensurate with the risk. The sort of precautions which insurers might expect could include:

- Levels of security.
- Maintenance of fire detection or sprinkler systems.
- Disconnection of utilities other than those required for essential services.
- The draining down of water tanks and pipes.
- Removal of flammables or combustibles.
- Sealing up of letter flaps.

Liability and Health and Safety

The Occupiers' Liability Acts of 1957 and 1984 give those responsible for properties a duty of care in respect of visitors and trespassers. Depending on the circumstances, in the event of an accident in an empty property, those responsible for that property could be legally liable for any death or injury.

To a child, an empty building may be viewed as an interesting and exciting playground and where the young are concerned it may be necessary to take more precautions to prevent their access in order to discharge a duty of care.

Various people, for example, surveyors, security guards, building contractors, prospective purchasers and local authority officers, will need to have access to such premises and it must be ensured that such visitors will be reasonably safe while undertaking their duties.

To ensure their safety the following points should assist in the discharge of the duty of care to visitors:

- Warnings to be given regarding specific dangers, for example, structural defects, isolated services, contamination etc.
- Adequate lighting available for visiting security guards.
- Barriers provided around dangerous and unsafe areas.
- Recording details of those visiting empty premises.
- Visitors on their own should carry either a lone worker's alarm or a mobile telephone.

Those responsible for employees working in empty premises should also consider these points and their suitable control in preparing risk assessments as required by the Management of Health and Safety at Work Regulations 1992.

Flexibility and Re-use

It is a cliché - but none the less valid - to say that the best way to protect a building is to keep it occupied. It is clear from examination of the case studies produced by the FPA² a substantial proportion, probably 35%, of the heritage and listed buildings which are damaged each year can be classified as 'empty, unused or derelict' In most cases, arson is the cause of such fires and there is increasing concern that where listed building consent for a change in use or modification is refused, then a serious fire often follows. There have been at least three successful prosecutions in South West Scotland for wilful fire raising (the Scottish equivalent of arson) for fires in a church and two country houses, all of which had been the subject of refused planning applications.

It is worth noting that, of course, the imprisonment of the culprit does nothing to bring back the lost or damaged fabric.

This is not a plea for planners or heritage agencies to give way to every application that comes their way. It must be worth considering, however, what will happen if an application is refused. Will a building be allowed to decay ? Will it be left empty ?

The Ministry of Defence is one agency which has been facing these difficult questions and the Defence Lands Agency is to be congratulated on their proactive and innovative approach to dealing with the increasing number of threatened heritage sites which are now surplus to military requirements.

Let us hope that other organisations are able to learn these lessons.

Specific Heritage Considerations

Care should be taken to ensure that none of the physical security or safety recommendations mentioned above impact on heritage fabric. For example, boarding up must be done sympathetically and if necessary, in consultation with the planning authority or other agency.

Any stopping up activities should not be permitted to interfere with normal ventilation otherwise damp or mould may be aggravated.

Regular checks on roofs, gutters and drains must be undertaken to ensure that the premises are wind and water tight.

Guard dogs must not be allowed to run free inside listed buildings.

In the case of boarding up in an area of significant heritage value, care must be taken not to inappropriately impact on the heritage streetscape.

Conclusions

Proper management disciplines when applied to the problems of empty or unoccupied buildings can result in a substantial reduction of the risks facing a property owner. A systematic, planned run-down of a building will reduce the possibility of the building becoming an eyesore and at the same time minimise the risk of theft, vandalism and arson. At the same time, liability implications can be minimised.

Reuse (even on a temporary basis) may be the best option for a heritage building and care should be taken to ensure that such activity is properly controlled and in accordance with legislative and insurers' requirements.

More details on the management process including check lists and a full set of recommendations can be found in the Code of Practice mentioned earlier which is available from the LPC.

References

1. Loss Prevention Council, (1995) *Code of Practice for Protection of Empty Premises*, London: LPC.
2. Kidd, S.(Ed) 1995 *Heritage Under Fire*, London: The Fire Protection Association

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