

8th April 2020

Re: Temporary Property Closures Due to COVID19

We realise that these are very worrying times for property occupiers, as organisations continue to monitor latest Government guidance and respond to the emerging commercial landscape. We encourage all property occupiers to keep referring to these websites and the other business support services available:

For the main Government guidance and advice to businesses please go to:

<https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/covid-19-support-for-businesses#gcslocal>

As you will be aware the government has instructed people to stay at home and made it illegal for some businesses to open due to the Coronavirus2 and its resulting disease COVID19. In turn this has meant that, you may have either been forced to close or, due to a lack of footfall or an inability to manage the social distancing requirements, have needed to close.

During this period of COVID-19 precautions, the Health and Safety at Work Act still applies and Duty holders must therefore take the usual reasonably practicable steps to control risk and meet health and safety requirements in properties even if the business is not trading at its usual hours. We have collated the following advice from Insurers and Government to assist you in managing property requirements during any period of closure. The below is however general advice and in addition to this please check with your insurance provider or other specialists directly.

Insurance

Insurers recognise the challenges faced by their customers as buildings are forced to close or temporarily operate on a limited basis. In general where an insured party has made, or are making, appropriate provisions to mitigate risk to property arising as a result of Coronavirus, the temporary closure of your building should not prejudice any insurance cover.

Existing provisions for physical security and monitoring should remain in place where possible, and property occupiers should also have regard to the risk management advice provided by their insurer.

Compliance with terms of occupation

Tenants should continue to pay rent and any other sum due under a relevant business tenancy and abide by all other terms of their tenancy agreement to the best of their ability. The government has a strong package of financial support available to tenants, and where they can pay the rent as normal, they should do. If however you are unable to make any due payments you should contact your landlord at the earliest possible opportunity.

Repairs and Maintenance

If there are outstanding repair or maintenance issues, which are either the responsibility of the tenant or landlord, it is probable that these will need to be addressed once the government has relaxed their requirements and people are permitted to move and interact more freely. If the matter is urgent and presents a health and safety risk, then your landlord will need to be informed immediately.

Security

Buildings, whether temporarily closed or partially open, can be at greater risk from arson, antisocial behaviour such as vandalism or squatters, theft, and escape of water.

- Ensure that all doors, windows and gates are locked and that any intruder alarm system is operational.
- Ensure that all internal fire doors are closed and that any fire detection system is operational
- Protect against electrical fires. Where possible, electrical equipment should be turned off and unplugged, with electrical systems isolated at the main fuse board.
- Protect against arson. Remove internal waste and position external bins as far from the property as possible, ideally securing bins in place and locking lids.

Legionella risk

Partially open sites

If the building is still partially in use take additional measures to keep yourself and others safe:

- Flush water systems more frequently to simulate use as weekly flushing may not be sufficient.
- Monitor temperature to ensure thermal gain in cold water is controlled.
- If fitted, consider temporarily increasing levels of potable water treatment dosing – consider other consequences of this such as corrosion and make the decision on balance of benefit.
- If you are unable to complete the above then do not use the water and seek specialist assistance.

Closed sites

Where there will be no need to re-enter the premises during the period of temporary closure turn off water supplies at the mains. If you attend the site whilst the property is closed then **do not use the water**.

Recommissioning Water Systems on re-occupation

It is essential that when buildings reopen following the lifting of restrictions, that any water system is not simply put straight back into use. Duty holders implicated in an outbreak of Legionnaires' disease resulting from actions taken for COVID-19 precautions are not likely to have any exemption from prosecution.

During the period of shutdown it would be sensible to formulate a recommissioning plan for each water system to allow safe start-up and assurance to users that it is safe. It would be advisable to contact a specialist to assist with this.

Instructions from the government regarding staying at home and social distancing remain paramount and you should continue to monitor their advice. Any decision to keep properties open or for urgent site inspections should be in line with their advice.

We hope the above is of assistance. If you have any further questions then please contact me on the details provided below and I will endeavour to assist you.