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Subject: COVID Lockdown 3.0-related Unattended Premises

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IMPORTANT :
COVID Lockdown 3.0-related Unattended Premises
(Duty to Disclose to Insurer)

Please alert Rowlands & Hames immediately if your business premises is to remain unattended or unoccupied during Covid lockdown 3.0 and you are not able to take the steps suggested below, so we may alert your insurer and ask how they wish to deal with the situation insurance cover wise. Please note you have a continuing duty to alert your insurer of such material facts – unoccupancy and non-trading unoccupancy would be considered a material fact and if not disclosed and underwritten could prejudice your position in the event of a claim.

The challenge

Many firms now face two major issues -

- Medium term Unoccupied/Unattended business/residential premises during Lockdown 3.0 and subsequent Tiers system
- Winter weather – ice, storms, weight of snow and floods.

Your insurance policies are subject to many terms and conditions, not least you being obliged to take 'reasonable precautions' at all times to protect your property, revenue and liabilities (e.g. in cold weather), but there are also special provisions in relation to properties unoccupied (trading or non-trading) which many insurers may deem to trigger the Unoccupancy policy conditions. If Unoccupancy is deemed to have been triggered cover will, more often than not, be restricted to just Fire, Lightning, Aircraft & Explosion risks only, so the likes of malicious damage, damage by theft, burst pipes, storm, flood etc. may well be excluded.

Each insurers' provisions differ so we would recommend you review your own insurer's terms. However, we would make the following recommendations.

Non-trading unoccupancy (presumably due to Covid measures)

The key here is to ensure you can demonstrate to your insurer your property remains well maintained, secured, heated and regularly attended/inspected, so as to avoid your property being considered 'unoccupied' by your insurer.

Daily visits (in line with previous trading days/hours) are recommended but if daily visits are not possible then at least 2-3 times per week as a minimum – with each visit 'logged' with some form of evidence retained. A written log may suffice (as long as it is removed from the premises, so it would not be damaged by fire, flood etc.) but other means would be equally (or indeed more) valid, an example being a shared Whatsapp group or equivalent facility, accessible by perhaps a number of people who could share the burden, and upon each visit take several photos inside and out (of differing aspects each visit) which would prove the visit and inspection has been made and could be called upon in the event of a claim to prove reasonable precautions/measures were being taken. [Note – please be aware of any furlough restrictions which may prevent using furloughed staff for such visits!]

We would also recommend:

- ensuring the property continues to 'appear' as though it is trading and is well maintained
- place your heating on 'manual' and maintain a minimum of at least 11 degrees Celsius to ensure an ambient temperature is maintained
- if you cannot maintain an ambient temperature, it's best to drain your water system completely to avoid burst-pipes.
- removing any valuable / theft-attractive contents from the property as far as possible or at the very least remove from sight.
- Ensure all security precautions are in place – alarms set, doors locked securely, opening windows' key-operated locks are actually locked shut.
- alerting your alarm companies to your 'unoccupancy' during trading hours so day-time alarm triggers are not thought to be user-errors and should be investigated
- advise your business premises' neighbours and provide your contact details
- remove all letters/parcels from site on a regular basis
- remove all accumulated waste and debris outside your premises immediately you become aware of
- consider installing remote signalling to your intruder and fire alarms if not already in place
- if there's no alarm systems, no heating being maintained, no servers/computer/telephony systems operating, and no CCTV/internet, consider switching off your electricity completely to reduce the risk of fires.
- consider installing external digital cameras which you may access remotely – such cameras are now relatively inexpensive and easy to install, often battery powered for ease, though do try and ensure any images are recorded as evidence for up to 30 days – if you do proceed with CCTV/cameras please remember to add CCTV to your ICO Data Protection licence (believe this is just £35 per year) if not already included.
- Add an external notice to the premises to say if the premises is not open to trading, all valuable contents have been removed, no cash is on the premises, the premises is alarmed and CCTV etc, and provide your emergency contact details.
- For larger operations consider:
 - 24 hours CCTV monitoring by an external firm; or
 - Regular ad-hoc patrols by a key-holding security company
 - 24 hours manned security
- Any damage identified is reported immediately, photographs and evidence collected, and remedial action taken.

Also consider taking advantage of the unoccupancy period to:

- a. Undertake any maintenance to the property (always ensuring any contractors are fully insured and any major works are advised to R&H in case insurers need to be advised)
- b. Upgrading/installing intruder and fire alarms
- c. Upgrading/installing CCTV
- d. Arranging for overdue 3/5 year fixed-wiring inspections or annual portable equipment PAT testing etc.
- e. Roof inspections and maintenance – your roof should be checked annually for defects
- f. Drain clearance
- g. Gutters and roof drainage be cleared of leaves and debris – perhaps before and mid-winter
- h. And the like...

Winter weather precautions for ALL buildings' owners/tenants

Damage to buildings during the winter months is often unavoidable if the winter is harsh, but taking steps beforehand can lessen the chance of damage and reducing the impact and costs involved.

The major impacts are generally:

- Frozen / burst pipes and internal flooding
- External flooding, more often from blocked highway drains and culverts and from flooded rivers and streams
- Damage from heavy rain, blocked-gutters, poorly maintained roofs etc
- Weight of snow
- Slips and trips

We recommend you access [Aviva's Winter Weather Risk Management Bulletin](#) for useful tips in maintaining your property and ensuring damage/claims are kept to a minimum.

Rowlands & Hames has access to a wealth of information on all forms of risk management – and we can often give you direct access to insurers risk management libraries – please just ask for details.

If you have any questions please do not hesitate to contact R&H.

We are Chartered Insurance Brokers



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