

Consultation on Fire and Smoke Alarms in Scottish Homes

September 2017

Ministerial Foreword



The Scottish Government is committed to achieving improved fire safety and one death from fire in Scotland's homes is one too many.

Following the tragic fire at Grenfell Tower in London, when at least eighty people lost their lives, a Ministerial Working Group on Building and Fire Safety was established to review Scotland's building and fire safety regulatory frameworks. As part of this work, the Group agreed that this consultation on fire and smoke alarms, which had originally been planned for later this year, should be prioritised.

Significant progress has been made in fire safety as we look to realise our vision for safer and stronger communities across Scotland. Over the last twenty years the number of fires has nearly halved, and the number of fire fatalities has fallen by over 60%. As part of this trend, the number of dwelling fires has also fallen by around 40% over this period.

Scotland already has rigorous standards for smoke and fire alarms developed over time, with the highest standard currently applied to new-build and private rented housing. We want and expect everyone to benefit from the same level of protection. This consultation sets out our proposal that the same standard should apply for everyone in Scotland, whether you own your home, or rent from a social or private landlord.

The Scottish Government also want to consider whether any changes are required to that standard. We are interested in views on what types of alarms should be installed, where they should be and how often they should be replaced, and how we might implement any improved standard and encourage compliance.

I look forward to hearing your views on this consultation.

A handwritten signature in black ink, appearing to read 'Kevin Stewart', followed by a long, sweeping horizontal line that extends across the page.

Kevin Stewart MSP
Minister for Local Government and Housing

Executive Summary

1. This consultation seeks views on possible changes to standards required for fire and smoke alarms in Scottish homes. We propose extending the current minimum safety standards in private rented housing to all other tenures. We believe that where possible housing standards should be consistent across tenures. We have decided to prioritise this consultation so that it can contribute to our wider response to the tragic fire at Grenfell Tower.

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Part One: Background

Building and Fire Safety Ministerial Working Group

2. On 14 June 2017 a major fire spread rapidly through Grenfell Tower, a 24 storey residential high rise building in London. It is understood that at least 80 people lost their lives in this tragedy. Following the Grenfell Tower fire, the Scottish Government established a Ministerial Working Group to oversee a review of building and fire safety regulatory frameworks, in order to help ensure that people are safe in Scotland's buildings, and to provide reassurance to residents and communities about their safety.
3. Members of the Building and Fire Safety Working Group include:
 - Angela Constance MSP, Cabinet Secretary for Communities, Social Security and Equalities (Chair)
 - Kevin Stewart MSP, Minister for Local Government and Housing
 - Annabelle Ewing MSP, Minister for Community Safety
 - Scottish Fire and Rescue Service
 - Scottish Government officials
4. Documents relating to the Working Group's activity are published online.¹
5. At its meeting on 9 August 2017, the Group agreed that a public consultation on fire and smoke alarms should be published. This consultation focuses on fire and smoke alarms in domestic properties. Information on wider issues that the Scottish Government will want to consider as part of our work on fire and building safety is provided in part six of this consultation.

Casualties from Fire

6. In 2015/16 there were 5,673 fires in dwellings in Scotland, from which there were 39 fatal casualties and 1,045 non-fatal casualties.² Over the last two decades there has been a downward trend in the number of fires in dwellings in Scotland – with a 38% decrease in the number of reported dwelling fires in 2015/16 compared with 1994-95.
7. Of the 39 people who died in dwelling fires, 33 were in accidental fires, and six were in deliberate fires. While the number of fatalities varies from year to year, the data shows that over the last seven years the fatality rate in fires in dwellings which had an operational smoke alarm has been lower than in dwellings without an operational smoke alarm.³

¹ Building and fire safety working group, <https://beta.gov.scot/groups/building-and-fire-safety-working-group/>

² Fire and Rescue Statistics, <http://www.firescotland.gov.uk/about-us/fire-and-rescue-statistics.aspx>

³ See the accompanying Business and Regulatory Impact Assessment for further detail.

8. Of the 45 total fatalities in all fires in Scotland in 2015/16, 24 (53%) were people aged 60 and above⁴, which is significantly higher than the share of this age group in the overall population (24%). This equates to a rate of 18.5 fire fatalities per 1 million people aged 60 and above, compared with 8.4 fatalities per 1 million of the overall Scottish population.
9. These figures demonstrate that older people are at greater risk from fire. Other groups who might similarly be at a greater risk include people with mobility difficulties and those who live alone. The fire service is working with partners, including health authorities and the voluntary sector, to develop new ways to identify those individuals in communities who are most at risk, and to make early interventions to ensure they are protected.
10. The Scottish Fire and Rescue Service provide free Home Fire Safety Visits for anyone concerned about fire safety in their homes.⁵ The Scottish Fire and Rescue Service have also prepared general fire safety advice for people who live in multi-storey flats.⁶

Common Housing Quality Standard

11. In Scotland the three main tenure types are:⁷
 - Owner occupied housing (including housing being bought on a mortgage) – about 1.5 million homes, including 310,000 flats
 - Social rented housing (rented from a local authority or a housing association) – about 600,000 homes, including 340,000 flats
 - Private rented housing (rented from a private landlord, including housing provided with a job or business) – about 380,000 homes, including 244,000 flats.

As they have developed separately over time, meet differing needs, and have different regulatory regimes, there are differences in the housing standards which apply in different tenures.

⁴ There were 18 (40%) fatalities of people aged between 30 and 59, 3 (7%) aged between 17 and 29, and there were no deaths of people aged under 16 in fires in 2015/16.

⁵ Home Fire Safety Visit, <http://www.firescotland.gov.uk/your-safety/for-householders/home-fire-safety-visit.aspx>

⁶ Multi-Storey Flat Safety, <http://www.firescotland.gov.uk/your-safety/for-householders/multi-storey-flats.aspx>

⁷ Housing Statistics for Scotland - Key Information and Summary Tables, http://www.gov.scot/Topics/Statistics/Browse/Housing-Regeneration/HSfS/KeyInfoTables_and Scottish House Condition Survey 2015: Key Findings, <http://www.gov.scot/Publications/2016/12/1539>, para 46, table 8

12. The Scottish Government established a Common Housing Quality Standard Forum in February 2015. The role of the Forum was to enable discussion with and between stakeholders on key issues affecting house condition, including where it may make sense to better align existing standards. The Forum received contributions from a range of interested parties, with working papers published and available online.⁸
13. One of the proposals considered by the Forum was to extend the standard for fire and smoke alarms currently applied in the private rented sector (PRS) to social rented housing. Another proposal was to consider whether a minimum standard should apply to all flats in a block, across all tenures, because of the potential impact on other occupiers. In our recent consultation on energy efficiency and condition standards in private rented housing we indicated our intention to consult on these and other condition issues affecting housing across tenure from winter 2017/18.⁹ However, in line with the recommendation of the Building and Fire Safety Working Group the elements of the proposed consultation dealing with fire and smoke alarms have been brought forward. The remaining non-fire safety parts of the proposed consultation will therefore be covered separately in a subsequent consultation later in 2018.

⁸ Common Housing Quality Standard, <https://beta.gov.scot/publications/common-housing-quality-standard-topic-papers/>

⁹ Energy efficiency and condition standards in private rented housing: A Scotland's Energy Efficiency Programme Consultation, <http://www.gov.scot/Resource/0051/00516474.pdf>, para 157

Part Two: Current Standards for Fire and Smoke Alarms

14. Fire and smoke alarms are devices for giving warning to occupiers of a building in the event of a fire. Most alarms are designed to trigger a signal in response to smoke but there are also alarms, referred to here as “heat alarms”, which are triggered by temperature.
15. In Scotland, the differing standards for fire and smoke alarms reflect assessment of risk and current best practice at the point of establishing standards.

New Build Housing

16. All new build housing in Scotland has been required to meet the following standard if the building warrant has been issued since October 2010:¹⁰
 - At least one smoke alarm installed in the room most frequently used for general daytime living purposes (the principal habitable room);
 - At least one smoke alarm in every circulation space on each storey, such as hallways and landings (located no more than 7 metres from the door to a living room or kitchen; no more than 3 metres from every bedroom door; and that no point within a circulation space is more than 7.5 metres from the nearest smoke alarm);
 - At least one smoke alarm in every access room serving an inner room; and
 - At least one heat alarm installed in every kitchen.
17. Alarms in new build housing should be ceiling mounted and mains wired. All alarms should be interlinked, so that if one alarm sounds it will trigger the others. There are minimum standards for the design of alarms to comply with British Standard BS 5839.¹¹

Private Rented Housing

18. Private landlords have a statutory duty to ensure that rented homes meet the repairing standard.¹² The repairing standard includes the requirement that “the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire”. Landlords must have regard to any building regulations and any guidance issued by the Scottish Ministers on the subject.¹³ The Scottish Government guidance on Satisfactory Provision for Detecting and Warning of Fires in Private Rented Housing was revised in November 2013 to reflect changes in building regulations.

¹⁰ Scottish Building Standards, Technical Handbook: Domestic – Fire, <http://www.gov.scot/Resource/0052/00521750.pdf>, para 2.11.1. Due to the period of time from a building warrant being issued to a dwelling being completed, it can take around three years before all new build is covered following a change in building regulations.

¹¹ Ibid, paras 2.11.8-9

¹² Fire detection in private rented properties: guidance, <https://beta.gov.scot/publications/fire-safety-guidance-private-rented-properties/>

¹³ Housing (Scotland) Act 2006, section 13(1)(f) and (5), <http://www.legislation.gov.uk/asp/2006/1/section/13>

19. The Scottish Government guidance for smoke alarms in private rented housing is based on the standard required for new build homes (see paragraph 16). All fire alarms installed or replaced in private rented houses since 3 September 2007 should be mains wired and interlinked within each house.¹⁴
20. The Scottish Government guidance for private landlords recognises that it may not always be appropriate to install some alarms in existing buildings, and private landlords can rely on technical advice from a qualified electrician. For example, it may not be appropriate to install both a smoke alarm and a heat sensor in an open plan kitchen/lounge if the smoke alarm might be triggered by cooking. We also recognise that private landlords can plan a programme of work over their rental stock to spread the cost of installation. This means that some private rented homes may not currently have the full range of fire and smoke alarms.

Social Rented Housing

21. Social landlords should ensure that the homes they let to social tenants comply with the Scottish Housing Quality Standard (SHQS).¹⁵ The SHQS is set out in guidance developed by a panel of key housing stakeholders which included representatives of social landlords nominated by the Convention of Scottish Local Authorities (CoSLA) and the Scottish Federation of Housing Associations (SFHA). The standard is incorporated in the Scottish Social Housing Charter and landlords' performance is monitored by the Scottish Housing Regulator.
22. Element 44 of SHQS states that in existing properties there must be at least one smoke alarm present in the property, and this can be either battery-powered or mains-powered. However, if replacement smoke alarms are being fitted then these should be mains wired.¹⁶
23. Although mains-wiring is only compulsory under SHQS at point of replacement, mains-wired smoke alarms in circulation areas are in fact widespread in the social rented sector (but not universal), with around three-quarters of properties having mains-wired smoke alarms.¹⁷ This has mainly been undertaken in conjunction with other improvement programmes such as heating installations or kitchen renewals. It is less likely that this work will include heat alarms in kitchen areas or the use of linked alarms in two or three storey dwellings.

¹⁴ Scottish Government Guidance on Satisfactory Provision for Detecting and Warning of Fires, <http://www.gov.scot/Topics/Built-Environment/Housing/privaterent/landlords/repairing-standard/fire-guidance>

¹⁵ Improving housing standards, <https://beta.gov.scot/policies/social-housing/improving-standards/>

¹⁶ SHQS guidance: Appendix E, <http://www.gov.scot/Topics/Built-Environment/Housing/16342/shqs/AppendixE>

¹⁷ Scottish Government analysis of 2015 Scottish House Condition Survey data.

Owner Occupied Housing

24. There are no minimum requirements for fire and smoke alarms in owner occupied housing, although only 7% (110,000) of properties in this tenure do not have any smoke alarm at all,¹⁸ and any property constructed with a building warrant issued since 1993 will be fitted with interlinked and mains wired smoke alarm in circulation spaces.

Houses in Multiple Occupation

25. Houses in multiple occupation (HMOs) are houses used as living accommodation by 3 or more people who are members of different families as their main accommodation, and where one or more of basic amenity is shared (i.e. toilets, personal washing facilities and facilities for cooking).¹⁹ It covers a range of accommodation types from private homes occupied by students during term time (and which would not be HMOs if they were occupied by a family) to purpose-built housing for various groups. Unless an HMO is in an exempt category, it must be licensed by the local authority.²⁰ Among other matters, the local authority should take account of the level of fire safety in the HMO and the extent of compliance with the Fire (Scotland) Act 2005,²¹ together with the advice and recommendations of the fire and rescue authority and may refuse to grant a licence on this basis.²²

Gaps in Standards

26. The Common Housing Quality Standard Forum noted that the scope of the existing standards for social and private rented housing are linked to specific types of tenancy and therefore it is possible that some housing falls between the gaps and is not covered by either standard.²³ Examples of this would include crofts and agricultural tenancies. There are also some types of HMO that are exempt from the licencing requirements, including armed forces housing, monasteries, and some housing owned by cooperative housing associations.

¹⁸ Scottish Government analysis of 2015 Scottish House Condition Survey data.

¹⁹ Housing (Scotland) Act 2006, section 125, <http://www.legislation.gov.uk/asp/2006/1/section/125>; Houses in Multiple Occupation, <http://www.gov.scot/Topics/Built-Environment/Housing/privaterent/landlords/hmo>

²⁰ Housing (Scotland) Act 2006, section 124, <http://www.legislation.gov.uk/asp/2006/1/section/124>

²¹ Fire (Scotland) Act 2005, section 54, <http://www.legislation.gov.uk/asp/2005/5/section/54>

²² Licensing of Houses in Multiple Occupation Statutory Guidance for Scottish Local Authorities, <http://www.gov.scot/Topics/Built-Environment/Housing/privaterent/government/laguidancepdf>, para 3.6.5

²³ See footnote 8, Topic Paper 3, paras 11-12 and 14

Comparison with the Rest of the UK

27. The following table summarises the current standards in legislation and guidance in different tenures in different parts of the UK.

Smoke Alarm Standards by tenure and administration

	Scotland	England	Wales	Northern Ireland
New Build (all tenures)	At least 1 interlinked and mains wired smoke alarm in circulation spaces. Also required (since 2010) in main living area and heat alarm in kitchen etc (as paragraph 16)	At least 1 interlinked and mains wired smoke alarm in circulation spaces	Same building regulations as England apply in Wales	Building regulations in Northern Ireland similar to Scotland
All existing housing built since 1993*	At least 1 interlinked and mains wired smoke alarm in circulation spaces	At least 1 interlinked and mains wired smoke alarm in circulation spaces	At least 1 interlinked and mains wired smoke alarm in circulation spaces	At least 1 interlinked and mains wired smoke alarm in circulation spaces
Existing Social Rented*	SHQS requires at least 1 smoke alarm (can be battery powered), may require an upgrade where work needs a building warrant.	Regulations do not apply to social landlords	Welsh Housing Quality Standard requires mains-powered fire and smoke alarms.	No tenure specific duties
Existing Private Rented*	Scottish Government guidance based on new build standard	A minimum of one smoke alarm (mains or battery powered) per floor	Welsh Government guidance says that at least one smoke alarm on each floor is best practice and is required in HMOs	No tenure specific regulations. HMOs must comply with building standards
Existing Owner Occupied*	Only if built since 1993	Only if built since the early 1990s	Only if built since the early 1990s	Only if built since the early 1990s

* Existing homes subject to alteration, extension or conversion may attract full or partial provision

Part Three: Options to Extend Standards

28. The Scottish Government's view is that the standard currently applied to private rented housing represents the current best practice. We therefore consider that the most appropriate option to improve standards for fire and smoke alarms is to extend this standard to all tenures.
29. In this part we consider the following options:
- A. Applying a new standard to social rented housing
 - B. Applying a standard to flats, irrespective of tenure
 - C. Applying a standard to flats in high-rise buildings, irrespective of tenure
 - D. Applying a standard to all housing, irrespective of tenure
30. Some sections in this part of the consultation seek views on making changes to standards only for some housing. It would be helpful to have your views on these changes even if you support the application of a new standard to all housing.

Social Housing (Option A)

31. The SHQS could be amended to include a more demanding standard for fire and smoke alarms in place of the existing element 44. Changes to the standard for social housing could have a much bigger impact on some landlords than others, depending on previous improvements.

Question 1: Do you think that there should be a new minimum standard for fire and smoke detectors in social rented housing? Yes/no/don't know - Please explain your answer.

1 (a) If yes, do you think this should be based on the standard currently applying to private rented property? (see paragraph 19)

1 (b) Alternatively, do you think that some other standard should apply to social rented housing? If so, please give details.

Tenements and Flats²⁴

32. In this section we are seeking views on whether there should be a new minimum standard in:
- All tenements and flats (option B); or
 - Flats in high rise buildings (option C).
33. The Common Housing Quality Standard Forum noted that the impact of a large fire in a tenement flat is likely to affect other flats in the same building, and therefore it may be appropriate to introduce a standard for smoke alarms for owners in tenements, because of the potential to harm other occupiers in a building if a fire is not detected promptly.²⁵
34. A new standard for flats could also be limited in scope to cover only high-rise housing. We define this as housing blocks that are higher than 18 metres.²⁶

Question 2: Do you think that individual flats should all be subject to the same minimum standards, regardless of tenure, in all tenements and blocks, regardless of height? Yes/no/don't know - Please explain your answer.

2 (a) Alternatively, do you think that individual flats should all be subject to the same minimum standards, regardless of tenure, only within tenements and blocks higher than 18 metres? Yes/no/don't know. Please explain your answer.

2 (b) If you are in favour of a standard for flats, whether in all buildings or only those over 18 metres tall, do you think this should be based on the standard currently applying to private rented property?

2 (c) Alternatively, do you think that some other standard should apply? If so, please give details.

²⁴ The statutory definition of "tenement" includes flats, but we have included both terms in the text to avoid ambiguity, see <http://www.legislation.gov.uk/asp/2004/11/section/26>

²⁵ See footnote 8, Topic Paper 6, para 39

²⁶ An 18m storey height is used by Scottish Building Standards as a trigger for additional fire and rescue service facilities, see footnote 10, para 2.14.2

All Housing (option D)

35. We are also seeking views on the option to apply a minimum standard for fire and smoke alarms to all housing. This could be done, for example, by amending the statutory tolerable standard.²⁷ This is a condemnatory standard – any house that is below tolerable standard is not acceptable as living accommodation.

Question 3: Do you think that there should be a common new minimum standard for fire and smoke detectors in all housing, regardless of tenure? Yes/no/don't know - Please explain your answer.

3 (a) If yes, do you think this should be based on the standard currently applying to private rented property?

3 (b) Alternatively, do you think that some other standard should apply? If so, please give details.

²⁷ Housing (Scotland) Act 1987, section 86, <http://www.legislation.gov.uk/ukpga/1987/26/section/86>

Part Four: Changes to the Minimum Standard

36. The Scottish Government's proposal is to extend the standard currently applying to private rented housing to other tenures. This part of the consultation seeks views on whether any changes are needed to that standard.

Common Alarms (alarms that are interlinked between flats)

37. Interlinked alarms are connected to each other so that if one is triggered, all the alarms in the system are also triggered. This can be a wired connection or through a radio or internet link. In a new build house or a private rented home all the alarms in the same home must be interlinked.
38. It is also possible to interlink alarms in different flats in the same building, so that if an alarm is triggered in one flat, the linked alarms in the other flats will also be triggered (either for the whole block or for a zone within the block). These systems are not recommended in new buildings because of the risk of unwanted fire alarm signals.²⁸

**Question 4: Do you think that any new standards should require fire and smoke alarms to be interlinked in different flats in the same building?
Yes/no/don't know - Please explain your answer.**

Common Area Alarms

39. If such a common alarm system was in place it would also be possible to have alarms sited in common spaces, such as common closes and stairways, or bin stores and chutes, and to link these alarms with the alarms in each separate flat. Interlinked alarms in common areas are recommended in sheltered housing complexes because of the vulnerability of the occupants.²⁹ However, we think that it would be unhelpful to require common alarms generally as there could be a risk of unwanted signals being triggered if alarms were located in common areas. The Scottish Fire and Rescue Service advise that when a fire breaks out within a multi-storey building, if your flat is not affected by heat and smoke, then the safest course of action is to remain in your flat and allow the fire service to deal with the emergency. Building construction is designed to allow for a fire to be contained to the room of origin until extinguished by the fire service. It is therefore considered that alarms that alert people to fires in other flats or common areas are not needed.

**Question 5: If we introduce a new minimum cross-tenure standard, do you think that it should require fire and smoke detectors in common areas?
Yes/no/don't know - Please explain your answer.**

²⁸ Scottish Building Standards, Technical Handbook: Domestic – Fire, <http://www.gov.scot/Resource/0052/00521750.pdf>, para 2.11.1

²⁹ By “sheltered housing” we mean a complex which provides accommodation for vulnerable occupants with a diverse range of support needs.

Battery Powered Alarms

40. The current standard applied to private rented housing follows the minimum standard for new build housing in requiring mains-powered supply for fire and smoke alarms. This reflects the assessment of the risk of battery alarms running out of power, or the removal of batteries by tenants. The Scottish Fire and Rescue Service report attending fires, sometimes with fatalities, and finding operational alarms that failed to trigger because of missing or defective batteries.³⁰ Sealed unit lithium battery-powered radio-linked alarms with a ten year lifespan are now widely available and are comparatively low-cost. These alarms prevent the removal of batteries and the battery lasts at least as long as the lifespan of the alarm. When the Scottish Government introduced a duty to fit carbon monoxide alarms in private rented housing, we recognised the use of battery alarms which incorporate a warning device to alert the users when its working life is due to expire.³¹
41. We propose the following minimum criteria for battery alarms:
- Sealed battery units, designed to last the lifetime of the unit (at least 10 years);
 - Interlinking between alarms (including radio, Bluetooth etc.); and
 - A warning device to alert occupiers at the expiry of the lifetime of the unit.
42. Allowing some battery alarms would reduce the impact on owner occupiers. There would also be benefits in reducing the cost for social landlords. We think that we should also change the guidance for private landlords if this measure is introduced.

Question 6: Do you think that it would be acceptable to specify battery alarms in new standards, provided these meet the minimum criteria? Yes/no/don't know - Please explain your answer.

6 (a) This would involve a change to the current Private Rented Sector guidance which requires mains wired smoke alarms. Please let us know your views about this.

³⁰ In 2015-16, of the 830 dwelling fires where the smoke alarm failed to operate, 50 (6%) were due to a defective alarm battery, and 61 due to a missing alarm battery (7%); see Table 19b at http://www.firescotland.gov.uk/media/1009447/2015_16_fire_and_rescue_statistics_corrected_tables.xlsx.

³¹ See footnote 39, para 13

Maximum Age for Alarms

43. Fire and smoke alarms usually have an operational lifespan of ten years. To ensure that alarms are replaced at the end of their lifespan, we think that we should specify a maximum age for alarms, for example that any alarm should be not more than 10 years old.

Question 7: Do you think that a minimum standard should specify a maximum age for alarms? Yes/no/don't know - Please explain your answer. If yes, do you agree that the maximum age should be 10 years? If not, what alternative?

Location of Alarms

44. The purpose of an alarm is to alert occupiers in the event of a fire and allow them time to respond and escape. Minimum standards require alarms in living rooms and halls so that warning of a fire in another part of the home will alert people elsewhere – particularly if they are asleep in a bedroom. In 2015-16, of the 830 dwelling fires where the smoke alarm failed to operate, 378 (46%) were due to fire not being close enough to the detector, and 61 (7%) due to the fire being in an area not covered by the system.³²

Question 8: Do you think that there should be any change to the rules on the location of alarms in the minimum standard? If so, what?

Other Changes

45. The next question is intended to capture any other views on changes to fire and smoke detectors that should be considered in the application of a new standard to social landlords and owner occupiers, or in the existing standard to the private rented sector.

Question 9: Do you think there should be any other changes considered for (i) any new standard for social landlords and owner occupiers or (ii) the existing standard for private rented housing? Yes/no/don't know – please explain your answer.

³² See Table 19b at http://www.firescotland.gov.uk/media/1009447/2015_16_fire_and_rescue_statistics_corrected_tables.xlsx.

Part Five: Costs, Timescale and Compliance

Estimate of the Cost of Alarms

46. Market figures indicate that a mid-range mains powered, inter-linked smoke alarm costs around £65 and that a mid-range, inter-linked sealed battery alarm with a 10-year battery life costs around £80. Installation of a mains powered alarm is likely to cost around £50, while sealed battery alarms do not require professional installation. The overall cost per dwelling will depend on the final form of the requirements and the built form of the individual dwelling – as this will determine the number and type of alarms which need to be fitted. This consultation is accompanied by a partial Business and Regulatory Impact Assessment, and we invite views on this under Question 17.
47. The Scottish Government's view is that owner occupiers should pay for fire and smoke alarms in their own homes, and that social landlords should fund additional alarms from their own resources (ultimately from tenants' rents). This is in line with what is expected for compliance with other minimum standards in housing.

Question 10 (a): Do you think that it is reasonable for home owners to pay for the work needed to comply with a new minimum standard for fire and smoke alarms? If not, who do you think should meet these costs?

10 (b) Do you think that it is reasonable for social landlords to pay for the work needed for their properties to comply with a new minimum standard for fire and smoke alarms? If not, who do you think should meet these costs?

Timescales

48. A reasonable compliance period will be needed to allow landlords and owners to meet a new standard. We think that the same timescale should apply to social landlords and owner occupiers. In the case of battery-powered carbon monoxide detectors, regulations were laid on 26 June 2015, and private landlords were expected to comply by 1 December 2015.³³ More invasive works – including hardwiring – would require a longer period, and would have to take account of the availability of contractors to carry out work. The need to plan a schedule of works for a portfolio of properties in the social rented sector should also be taken into account.
49. We propose that the timescale for compliance should be one year (if battery alarms are permitted) and two years (if the standard is for mains wired alarms).

Question 11: Do you think that the timescale we have proposed for installing additional alarms is reasonable:

- a) **One year for battery alarms? Yes/no/don't know - Please explain your answer.**
- b) **Two years for mains wired alarms? Yes/no/don't know - Please explain your answer.**

Question 12: Do you think that the timetable should be the same for both owner occupiers and social landlords? Yes/no/don't know - Please explain your answer.

³³ Housing (Scotland) Act 2014 (Commencement No. 3 and Transitional Provision) Order 2015, <http://www.legislation.gov.uk/ssi/2015/272/introduction/made>

Compliance in Social Housing

50. The Scottish Social Housing Charter seeks assurance from social landlords that their homes comply with the Scottish Housing Quality Standard (SHQS). The Scottish Housing Regulator has a statutory role to monitor landlords' performance against this target. The Regulator sets out in its regulatory framework how it will make decisions about engaging with landlords.
51. The Scottish Government's view is that the Regulator provides sufficient oversight for any change to the standard required in respect of fire and smoke alarms in social housing.

Question 13: Do you think existing enforcement routes are sufficient for the social housing sector? Yes/no/don't know - Please explain your answer.

13 (a): If not, what else do you think is needed to enforce a new standard in social housing? Please also tell us what additional support is needed, for example training, advice or guidance.

Compliance in Owner Occupied Housing

52. Measures for encouraging compliance with a new standard in the owner occupied sector include:
- Local authorities have a wide range of enforcement powers to require owners to carry out work and, if necessary, local authorities can carry out work themselves and recover their costs from owners.³⁴ However, the scale of existing disrepair means that in most cases the duty to ensure that homes meet the tolerable standard is triggered reactively, through concerns raised by owners or neighbours, rather than by local authorities. Even if enforcement powers are used, and the cost of work is recovered, local authorities need to fund the cost of works up-front.
 - Evidence of compliance at point of sale. This could be done, for example, by including a declaration on compliance with a fire and smoke alarm standard as part of the Home Report. This could be self-certification in the property questionnaire completed by the seller which would alert the buyer to a defect. This approach assumes that defects will be identified and addressed during house purchase, but does not formally require work to be done. It would also take time for this enforcement mechanism to apply across the stock: the average length of tenure in owner occupied properties is around 16 years, and 30% of owner occupiers have been in their house for more than 20 years.³⁵
 - A new right for any owner in a block of flats or tenement to ask for evidence of compliance from other owners. This could be similar to the existing duty to provide evidence of insurance against common risks, but it may be difficult to determine what evidence would be appropriate.³⁶
 - Gas and electrical engineers carry out regular safety inspections in rented homes and many owner occupied homes. Engineers may be able to flag non-compliance with owners and offer a suitable product, as is currently done with carbon monoxide alarms and smart meters. This might help to promote take up but commercial engineers would not be able to take on an enforcement role.
 - Some stakeholders, including the Chartered Institute of Housing and the Royal Institution of Chartered Surveyors, have proposed intervention in tenements to encourage owners to participate in common works and essential maintenance. This could be in the form of reserve funds to support work and/or regular building surveys.³⁷ The Scottish Government intends to seek views on these ideas in the proposed public consultation on condition standards in owner occupied housing.³⁸

³⁴ See footnote 8, Topic Paper 7, para 12

³⁵ See Table 3.4 of Scottish Household Survey Annual Report 2015. Length of time at current address is used as a proxy for length of tenure.

³⁶ Tenements (Scotland) Act 2004, section 18, <http://www.legislation.gov.uk/asp/2004/11/section/18>

³⁷ See footnote 8, Topic Paper 6, paras 33-35

³⁸ See paragraph 13 above

53. We recognise that no single measure is sufficient on its own to ensure that all owner occupiers comply with a new standard. We think that a combination of such measures, over a period of time, could be effective in encouraging compliance.

Question 14: Do you have any views on the most effective approaches to encouraging compliance with a minimum standard for fire and smoke alarms in the owner occupied sector?

Part Six: Wider context

54. This consultation focuses on fire and smoke alarms, however we appreciate that fire safety also draws in other issues. The wider work of the Ministerial Working Group will look at these separately. Other issues could include:
- Sprinklers and other fire suppression systems
 - Fire safety guidance – covering matters such as carrying out risk assessments, construction of new building, and behaviour of occupiers
 - Electrical safety, e.g. where faulty appliances can create a fire risk
 - The fitting of PVC front doors and the removal of fire doors in tenements and flats (and how this is enforced)
 - Fire rating of materials used in building, including windows
 - The risk of compromising existing fire protection in subsequent maintenance and improvement work
 - Additional standards for sheltered housing or care homes, etc.
55. We are also aware that some fire alarm systems are monitored by a third party organisation (“the monitor”), usually combined with a monitored burglar alarm system. In these systems, if the alarm is triggered the monitor will contact the fire services or police as appropriate. The monitor will also check that the system is up-to-date and working properly. Some home owners will use alarms of this type and we know that some social landlords have installed them in blocks of flats. However, these systems are more expensive than unmonitored alarms – social landlords advise us that it can cost up to £10,000 for a system in one block of flats. While this may be an option that some owners and landlords want to consider as best practice, we do not think it would be proportionate or practical to make it part of a minimum standard.
56. The Scottish Fire and Rescue Service sometimes attend a property following the triggering of a smoke alarm and find that the alarm has been set off by accident, or maliciously, or through a fault. This uses resources that may be needed elsewhere and has an economic and organisational impact on the service. The Scottish Fire and Rescue Service do not currently charge for costs of responding to unwanted fire alarm signals, though some fire services in the UK do charge as a deterrent where false alarms are repeated. If such charges were introduced the liability might fall on landlords or owners due to actions of tenants and other residents.

Question 15: We have outlined other measures and approaches we are planning to consider in future work. Is there anything else we should be including?

Part Seven: Carbon Monoxide Detectors

57. Carbon monoxide (CO) is a colourless, odourless and tasteless gas. Low levels of CO gas can be present in the atmosphere, but it is highly toxic and dangerous to humans and animals in higher quantities. CO gas is produced in high levels from appliances where incomplete combustion of a carbon based fuel occurs. Incomplete combustion could occur in appliance installations that are defective, lack proper maintenance or have inadequate provision for combustion air. Since October 2013 Scottish building regulations have required CO detectors to be fitted when a new or replacement boiler or other fixed heating appliance is installed, irrespective of tenure. Since December 2015 a CO detector has been required in any private rented housing with a carbon fuelled appliance.³⁹
58. Many social landlords and owner occupiers will have installed CO detectors during work to replace gas boilers. However, it is not currently mandatory to install CO detectors as a matter of course wherever there is an existing carbon fuelled appliance. We think that it makes practical sense to combine installation programmes for fire and smoke alarms and carbon monoxide alarms together. For this reason, we would also like to consider views on adding carbon monoxide detectors to the minimum standard.

Question 16: Do you think that there should be a new minimum standard for carbon monoxide detectors in (a) social rented and (b) owner occupied housing? Please explain your answer.

³⁹ Scottish Government Statutory Guidance for the Provision of Carbon Monoxide Alarms in Private Rented Housing, <https://beta.gov.scot/publications/carbon-monoxide-alarms-in-private-rented-properties-guidance/>

Part Eight: Impact Assessments

59. Alongside this consultation document we will publish:

- A Business and Regulatory Impact Assessment, and
- An Equalities Impact Assessment

We welcome views on our assessment of the impact of the proposals which we set out in these documents, and encourage all relevant parties to respond to the consultation.

Question 17: Do you have any comments on these impact assessments?

Question 18: Do you have any other comments on this consultation?

Part Nine: How to Respond

Submitting Your Response

60. We are inviting responses to this consultation by **1 December 2017**.
61. Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You can view and respond to this consultation online at: <https://consult.scotland.gov.uk/housing-regeneration-and-welfare/fire-and-smoke-alarms-in-scottish-homes>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 1 December 2017.
62. If you are unable to respond online, please complete the Respondent Information Form (see "Handling your response" below) to:

Consultation on Fire and Smoke Alarms in Scottish Homes
Scottish Government
1H South
Victoria Quay
Edinburgh
EH6 6QQ

63. It would be helpful to have your response by email or using the electronic response form. The electronic response form can be accessed at the following website address: <https://consult.scotland.gov.uk> . You can also email your response to FireandSmokeAlarmsinScottishHomes@gov.scot.

Handling Your Response

64. If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.
65. If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

Publication of Responses

66. Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email. Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.
67. Everyone who responds should be aware that the Freedom of Information (Scotland) Act 2002 applies to the Scottish Government. We would therefore have to consider any request made to us under the Act for information relating to responses made to this consultation exercise.

Comments and Complaints

68. If you have any comments about how this consultation exercise has been conducted, please send them to:

Consultation on Fire and Smoke Alarms in Scottish Homes
Scottish Government
1H South
Victoria Quay
Edinburgh
EH6 6QQ

Scottish Government Consultation Process

69. Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work. You can find all our consultations online: <http://consult.scotland.gov.uk> Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post. Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<https://www.ideas.gov.scot>)
70. Responses will be analysed and used as part of the decision-making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may –
- indicate the need for policy development or review
 - inform the development of a particular policy
 - help decisions to be made between alternative policy proposals
 - be used to finalise legislation before it is implemented.

71. While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Next steps

72. The Scottish Government will review responses to the consultation and whether changes to legislation are needed to introduce new standards for fire and smoke alarms.



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