

# **Consultation on Fire and Smoke Alarms in Scottish Homes**

Shelter Scotland  
response

November 2017

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## SUMMARY

Shelter Scotland welcome the opportunity to respond to this consultation on fire and smoke alarms in Scottish homes, and broadly agree with the proposals outlined.

At Shelter Scotland, we believe everyone is entitled to a safe, secure and affordable home, and safety from fires is a crucial part of that. This right should not be dependent on the tenure someone lives in, but should be an achievable standard wherever they live.

A common standard for all tenure types means everyone has the ability to live in a safe home, regardless of their neighbours, whether they are in a block of flats or a semi detached house, and whether they or their neighbours are owner occupiers, rent from the council or other social landlord, or from a private landlord.

Recent tragic events at Grenfell Tower in London show the devastating consequences that fire can have on lives, families and whole communities. It is paramount that we learn from this, and that all reasonable measures are taken to ensure people are safe in their homes.

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# QUESTIONNAIRE RESPONSES

**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.

There should be a new minimum standard for fire and smoke detectors in social renting housing to level the playing field for all tenants in terms of fire safety.

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

Yes  No  Don't know  Please explain your answer.

Yes, including the amendment to include the provision for specific types of battery powered alarms. The standard for private rented houses is based on the standard for new build housing, and is based on the most recent available evidence. It is a higher standard than that within the social rented sector. Though Shelter Scotland note that many social landlords have already gone beyond the minimum standard, a new minimum will ensure that all tenants are equally protected regardless of their landlord.

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

n/a – see answer to question 1 a).

**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.

It may be there are further safety considerations required in buildings above 18 metres tall (or whatever height is determined by the increased risk), but the minimum standard currently applicable to private rented property should be implemented on all properties, regardless of tenure, in all tenements and blocks, regardless of height.

**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.

Don't know – see answer to question 2.

**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?

Yes  No  Don't know  Please explain your answer.

Yes, the standard currently applying to private rented property should be rolled out to apply to flats.

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

N/A – see answer to question 2 b).

**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.

Yes, a common new minimum standard for fire and smoke detectors should be implemented in all housing, regardless of tenure.

For socially rented properties, this will bring them up to the same security currently afforded to their private rented peers and will level the playing ground for all social rented tenants regardless of whether their registered social landlord has already proactively gone beyond the minimum standard outlined in the Scottish Housing Quality Standard.

For owner occupiers, the implementation of a minimum standard may seem a larger step to take. However we believe it is important owner occupiers are included in this requirement (with support) for several reasons:

1. Owner occupiers, and all occupants of the household, should be able to live in a safe home. This is particularly important given the number of owner occupiers who are pensioners and therefore in a higher risk group for fire safety. It also extends the right of safety to those living with owner occupiers including dependents and lodgers, for example.
2. Everyone should take responsibility for their own safety and for reducing the risk of harmful fires, and the public costs associated with dealing with this which currently fall to services such as the Scottish Fire and Rescue Service and the National Health Service.

3. Compliance helps improve safety for neighbouring properties. Whilst we considered the possibility of exploring if this could be limited, dependent on risk factors, to certain property types and based on distances from neighbouring properties, for example, we believe this over complicates matters and in addition points 1 and 2 provide enough basis for the roll out of the standard to all types of owner occupied property.

It is essential that support be offered, in a variety of forms, to owner occupiers to ensure they are able to comply (see question 10 a) ).

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

Yes  No  Don't know  Please explain your answer.

Yes, the standard currently applying to private rented property should apply to all housing, because it is the higher standard.

**3 (b):** Alternatively, do you think that some other standard should apply?

Yes  No  Don't know  If so, please give details?

N/A – see answer to question 3 a).

**Question 4:** Do you think that any new standards should require fire and smoke detectors to be interlinked in different flats in the same building?

Yes  No  Don't know  Please explain your answer.

Shelter Scotland doesn't have the technical expertise or evidence to answer this question. Any decision made should be made in line with evidence on the level of risk.

**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.

Shelter Scotland doesn't have the technical expertise or evidence to answer this question. Any decision made should be made in line with evidence on the level of risk.

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**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.

Yes, if the evidence shows that specific battery alarms are safe for use and approved by experts such as the Scottish Fire and Rescue Service then it would be acceptable to specify battery alarms in new standards.

**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.

The private rented sector guidance should be updated to allow specific battery alarms, assuming evidence is provided that this is as safe as mains wired smoke alarms.

**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.

Yes, a minimum standard should specify a maximum age for alarms. The maximum age for alarms should be based on evidence, so if the evidence shows an alarm usually has an operational lifespan of ten years, the maximum age should be specified as ten years.

If yes, do you agree that the maximum age should be 10 years? If not, what alternative?

See answer to question 7.

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

Yes  No  Don't know   If so, what?

Shelter Scotland doesn't have the technical expertise or evidence to answer this question. Any decision made should be made in line with evidence on the level of risk.

**Question 9 (a).** Do you think there should be any other changes considered for any new standard for social landlords and owner occupiers?

Yes  No  Don't know  Please explain your answer.

**9 (b).** Do you think there should be any other changes considered for the existing standard for private rented housing?

Yes  No  Don't know  Please explain your answer.

Shelter Scotland believe the standard is sufficient but that more active monitoring and enforcement of the standard, and the private rented sector in particular, would be beneficial. See answer to question 10 a).

**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?

Yes  No  Don't know

If not, who do you think should meet these costs? Please explain your answer.

Shelter Scotland believe it is reasonable for home owners to pay for the work needed where they are able to pay. However, advice should be made available for possible low cost loans, and all options should be explored to provide support for some groups. For example, Scottish Fire and Rescue Service already have some provision to fit smoke alarms free of charge if required after a Home Fire Safety Visit.

**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?

Yes  No  Don't know

If not, who do you think should meet these costs? Please explain your answer.

Shelter Scotland believe 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. However, we must also be mindful of the additional pressures on social landlords, in the context of welfare reform and increasing arrears, and additional legislative requirements on them already such as meeting EESH targets. As such, there needs to be a reasonable period for compliance which will allow social landlords to budget for the work and tie it in with planned work.

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

**(a):** One year for battery alarms?

Yes  No  Don't know

Please explain your answer.

Shelter Scotland believe the safety of households in all tenures is paramount. Therefore, timescales for compliance should be short, but reasonable for a new minimum standard.

Whatever time line is determined, we would recommend, however, that guidance advises landlords to prioritise their more vulnerable tenants and those properties and tenants most at risk, but we acknowledge that these decisions are best made at a local level.

It may also be worthwhile considering that having the same timeline for both types of alarms (battery and mains wired) may allow for more straightforward communication with all groups affected by a new standard.

**(b):** Two years for mains wired alarms?

Yes  No  Don't know

Please explain your answer.

As in question 11 a) Shelter Scotland believe timescales for compliance should be short, but reasonable for a new minimum standard and that a common timescale for the two types of alarms may be beneficial in terms of communication.

**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.



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Yes, Shelter Scotland believe the timetable should be the same for both owner occupiers and social landlords to comply with a new minimum standard, based on the principle that everyone should have the same entitlement and right to a safe home regardless of tenure.

**Question 13:** Do you think existing enforcement routes are sufficient for the social housing sector?

Yes  No  Don't know

Please explain your answer.

Yes. Enforcement in the social housing sector, for example via the Scottish Housing Regulator, is sufficient.

**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 or advice or guidance.

Reasonable timescales for compliance will better enable landlords to comply with a new standard for social housing. Guidance on the new standard should be disseminated as part of a communication programme.

**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?

Shelter Scotland believe a mixed approach to encouraging compliance in the owner occupied sector is required. In particular:

- Communication is crucial in ensuring owner occupiers are aware of any new regulation they must abide by.
- Advice and support for owner occupiers, including advice on financial and enabling support for some groups is important. This may include, for example, signposting to the Scottish Fire and Rescue Service who can provide a [Home Fire Safety Visit](#) and can fit smoke alarms free of charge if required, and who also provide information on their website with regards to alarms including advice on for instance the safest positioning of alarms in the home.
- Provision of a declaration on compliance in the Home Report seems sensible, and it may be insurance companies begin to require it as a pre-

requisite of home and contents insurance. Some insurers already require a statement of the presence of working smoke detectors in the home.

Shelter Scotland note there is not a consultation question regarding compliance and enforcement in the private rented sector. Whilst we do not have evidence specifically on the compliance rate for the provision of fire and smoke alarms in private rented housing, we would like to provide some feedback on compliance and enforcement more generally in the private rented sector, specifically that we believe that more smart regulation is needed, with the local authority taking a more active role in monitoring, regulation and enforcement.

For example, a large number of local authorities are not currently using the enforcement powers they have. Moreover, tenants are often unaware of the role of local authorities and the powers that are available to them. This results in either tenants not contacting their local authority about issues linked to the let property or, if they do contact their local authority, they often find that their local authority does not take further action.

Improvements may include adapting practice to learnings from pilots, such as the Private Renting Project run by Shelter Scotland that is piloting the provision of Private Landlord Support Officers in the Highland Council and Dundee City Council areas. The landlord support officers work on a one to one basis with landlords, assisting them operate to the best possible standard. The service educates landlords on legislative requirements and best practice, as well as access to other useful services. For those landlords that are falling short of the expected standard, the service provides an opportunity for them to engage on a more informal basis and accept assistance at an early stage of intervention, prior to enforcement action being considered. The project runs for another year and provides a model that can be replicated across all 32 local authorities to complement and add value to a consistent enforcement approach.

**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?

N/A

**Question 16:** Do you think that there should be a new minimum standard for carbon monoxide detectors in

(a) social rented housing

Yes  No  Don't know

and (b) owner occupied housing?

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Yes  No  Don't know

Please explain your answers.

Shelter Scotland believe there should be a new minimum standard for carbon monoxide detectors in both social rented and owner occupied housing. Shelter Scotland campaigned for the provision of carbon monoxide detectors in private rented housing and we were delighted to see the inclusion of this requirement in the Housing (Scotland) Act 2014, which was enacted on 1st December 2015. The provision of this standard in social rented and owner occupier housing would increase safety for these occupants.

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

N/A

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

At Shelter Scotland, we believe everyone is entitled to a safe, secure and affordable home, and safety from fires is a crucial part of that. This right should not be dependent on the tenure someone lives in, but should be an achievable standard wherever they live.

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Recent events at Grenfall show the devastating consequences that fire can have on lives, families and whole communities. It is paramount that we learn from this, and that all reasonable measures are taken to ensure people are safe in their homes.

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Shelter Scotland helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign to make sure that, one day, no one will have to turn to us for help.

We're here so no one has to fight bad housing or homelessness on their own.

Please support us at [shelterscotland.org](https://shelterscotland.org)

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