

Citizen Participation and Public Petitions Committee

8th Meeting, 2021 (Session 6), Wednesday 1
December 2021

PE1910: Amend the forthcoming legal
requirement to have interlinked fire and
smoke alarms in small houses

Note by the Clerk

Petitioner Ian Nicol

**Petition
summary** Calling on the Scottish Parliament to urge the Scottish Government to
introduce an exemption for smaller houses from the requirement to
have interlinked smoke and fire alarms fitted which comes into force
in February 2022.

Webpage <https://petitions.parliament.scot/petitions/PE1910>

Introduction

1. This is a new petition that was lodged on 11 October 2021.
2. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe A**.
3. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected not to collect this information.
4. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe B** of this paper.
5. A submission has been provided by the petitioner. This is included at **Annexe C**.

Background information

6. The Housing (Scotland) Act 2007 sets out a basic standard of house condition called the 'Tolerable Standard'. This will be amended in February 2022 to include ceiling mounted and interlinked smoke and heat alarms. Carbon monoxide alarms are also included where appropriate. [Scottish Government guidance](#) sets out requirements for:
 - one smoke alarm installed in the room most frequently used for general daytime living purposes (normally the living room/lounge)
 - one smoke alarm in every circulation space on each storey, such as hallways and landings
 - one heat alarm installed in every kitchen
 - all smoke and heat alarms to be ceiling mounted and interlinked
7. The legislation, [Housing \(Scotland\) Act 1987 \(Tolerable Standard\) \(Extension of Criterion\) Order 2019](#), does not provide for any exemptions from the requirements. However, the guidance does acknowledge that 'it may not be practical to fit fire and smoke alarms to this exact standard' and that 'assessors should take account of the layout and design of the building'.
8. In a [press release](#), the Scottish Government outlined the financial support offered to assist people in meeting the new requirements:
 - £500,000 to help eligible older and disabled homeowners with installation
 - Individuals are eligible if they live and own a home that has a Council Tax banding A-C, are of state pension age and in receipt of guaranteed Pension Credit, or have a disability and in a support group for Employment and Support Allowance
 - £1 million to the Scottish Fire & Rescue Service to install alarms in higher risk owner-occupier homes
 - Over £15 million to loan funding for social landlords

Scottish Government submission

9. The Scottish Government's submission begins by explaining the safety rationale for introducing these requirements, noting that interlinked systems alert occupiers immediately to fire in their homes. The submission does acknowledge that during the daytime, an occupier in a small house would hear unlinked alarms. However, it notes that unlinked systems are not sufficient to ensure an occupier would be woken quickly during the night.
10. The submission provides statistics relating to fires and fatalities in Scotland –

- In 2018/19, there were 44 fire fatalities. 19 of these fires started in a living room, and 4 in a kitchen
- From 2014-2015 to 2017-2018, on average 30% of fires started in the living room and 15% started in the kitchen

11. Taking the statistics into consideration, the Scottish Government states that it is important that the outbreak of fire in these rooms is detected quickly, and the alarm is raised as early as possible through an interlinked alarm system.
12. The Scottish Government also outlines the precedent for interlinked alarm systems. The submission explains that this requirement brings all homes to the same level of protection that is currently mandatory in new build homes throughout the UK and in private rented homes in Scotland. It is also noted that there are no exemptions for smaller homes in the standards currently in place.
13. The submission concludes by highlighting support for the regulations, stating that the public consultation showed 'very strong support' for a new minimum standard and indicated that it should be based on the current standards for private rented properties. The regulations for the new standard were unanimously supported by the members of the Local Government and Communities Committee.

Petitioner submission

14. The petitioner has submitted a summary of his three main concerns regarding the legislation and why he believes it is flawed.
15. The first concern is that the requirement is not mandatory throughout the UK and that it is unclear what the consequences are for non-compliance. He feels that it is unfair for Scottish residents to be treated differently than the rest of the UK.
16. His second concern is short-comings of battery-operated alarms, noting that the legislation does not require alarms to be hard wired. The petitioner suggests that batteries are often removed by occupiers to avoid 'nuisance' low battery alerts and that the increase in alerts arising from interlinked alarms will further encourage occupiers to avoid replacing batteries.
17. The final issue raised by the petitioner is that of the cost associated with the regulation and impact on occupiers. He believes that this may be prohibitive for occupiers on low incomes who are experiencing additional financial pressures due to inflation and environmental upgrades to their heating systems and vehicles.

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

PE1910: AMEND THE FORTHCOMING LEGAL REQUIREMENT TO HAVE INTERLINKED FIRE AND SMOKE ALARMS IN SMALL HOUSES PETITIONER

Date Lodged

11 October 2021

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce an exemption for smaller houses from the requirement to have interlinked smoke and fire alarms fitted which comes into force in February 2022.

Previous action

Written to Scottish Government about lack of public consultation about the changes and my views that the changes are onerous. The response from the Government Directorate of Housing and Social Justice stated that a public consultation was prioritised by the Ministerial Working Group overseeing a review of building and fire regulatory frameworks. The consultation closed on 1 December 2017. Details of the new requirements were also provided.

Background information

It is agreed that the terrible fire at Grenfell needed change to high rise properties and homes in multiple occupation. It is argued, however, that the need for multiple linked alarms regardless of the size or type of house is unnecessary and onerous. The costs of sourcing and installing a number of alarms in each house would be substantial. The cost and number of alarms in each property is unnecessary for most 2 and 3 bedroom houses.

An exemption for small houses is required. The sound of multiple alarms sounding at once in small houses, even during a test, or for a minor alarm defect would create annoyance to older residents and unaffected neighbours. Alarms often go off for minor reasons such as burnt toast and there is no need for multiple alarms to go off all over the property. Strategically arranged alarms in circulation areas outside living and sleeping accommodation would surely suffice.

SPICe

The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1910](#): Amend the forthcoming legal requirement to have interlinked fire and smoke alarms in small houses lodged by Ian Nicol

Brief overview of issues raised by the petition

- From February 2022, the 'Tolerable Standard' will be amended to include ceiling mounted and interlinked smoke and heat alarms and, where appropriate, carbon monoxide alarms.
- The Tolerable Standard is a basic standard of house condition, set out in the Housing (Scotland) Act 2007, that applies to homes in all tenures. It is the property owner's responsibility to meet the standard. [Councils have powers to enforce the Tolerable Standard in their areas](#).
- The changes are implemented by the [Housing \(Scotland\) Act 1987 \(Tolerable Standard\) \(Extension of Criterion\) Order 2019](#).
- The Order includes the addition of, "satisfactory equipment installed for detecting, and for giving warning of, fire or suspected fire" to the Tolerable Standard. Further detail of what that means is provided in [Scottish Government guidance](#) (and explained on the [Scottish Government website](#)). The guidance sets out the requirement for:
 - one smoke alarm installed in the room most frequently used for general daytime living purposes (normally the living room/lounge)
 - one smoke alarm in every circulation space on each storey, such as hallways and landings
 - one heat alarm installed in every kitchen
 - all smoke and heat alarms to be ceiling mounted and interlinked.
- The changes stem from the Grenfell Tower fire in London. Following the fire, the Scottish Government established a Ministerial Working Group on Building and Fire Safety to review Scotland's building and fire safety regulatory frameworks.

- The petitioner argues that the need for multiple linked alarms regardless of the size or type of house is ‘unnecessary and onerous’. Furthermore, the cost of installing a number of alarms in each property is unnecessary for most 2 and 3 bedroom houses. The petitioner argues that an exemption for small houses is required.
- The legislation does not provide for any exemptions from the requirements. [Scottish Government guidance](#), aimed at those who may be assessing whether a home meets the Tolerable Standard, indicates that,

“16.12. In some buildings, it may not be practical to fit fire and smoke alarms to this exact standard. There may be instances where the number of alarms specified would not be required to meet the standard, such as a kitchen/diner or open plan layout. Assessors should take account of the layout and design of the building, and any advice given by a competent person. Further information can be found in the Building Standards Domestic Technical Handbook.”
- The Scottish Government [consulted on the proposals in 2017](#). [One hundred and nine responses were received to the consultation](#). [The Scottish Government published an analysis of the responses](#). This highlighted that a small number of respondents noted that a risk-based approach should be taken rather than specifying the rooms the alarms should be placed in:

“151. A small number of respondents, rather than making suggestions for specific rooms into which alarms should be placed, noted that a risk-based approach should be adopted, that the placement and number of alarms should be dependent on property layout or the size of the property or that there needs to be consideration on the wider fire protection system in place, how a property is occupied and by whom.”
- In terms of costs of installation, [the Scottish Government estimate that the cost for an average three bedroom house](#) which requires three smoke alarms, one heat alarm and one carbon monoxide detector will be around £220. This is based on using the type of alarms that can be bought and installed without the need for an electrician.

Kate Berry
Senior Researcher
 04/11/2021

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP

Scottish Government submission of 12 November 2021

PE1910/A - Amend the forthcoming legal requirement to have interlinked fire and smoke alarms in small houses

Thank you for your email of 15 October 2021 seeking the Scottish Government's views on the action called for in Petition PE1910.

The petition calls on the Scottish Parliament to urge the Scottish Government to introduce an exemption for smaller houses from the requirement to have interlinked smoke and fire alarms fitted which comes into force in February 2022.

The view of the Scottish Government is that such an exemption would be inappropriate.

Fire alarms are designed to produce a sound output sufficient to rouse an occupier asleep in a bedroom if placed in a landing or hallway. Having an interlinked system means you will be alerted immediately, regardless of the room in which the alarm is triggered, increasing the chance to escape. While it is likely that an occupier in a small house would hear the unlinked alarms clearly during the daytime, such a system is not sufficient to ensure that they would be woken quickly in the event of a fire during the night.

In 2018/19, there were 44 fire fatalities in Scotland, 19 of these fires started in a living room, and another 4 in a kitchen. From 2014-2015 to 2017-2018 where fatalities were recorded, on average 30% of fires started in the living room, and 15% in the kitchen. This means that a significant number of fire related deaths occurred from fires starting in these rooms. It is therefore important that the outbreak of fire in living rooms and kitchens is detected quickly and the alarm raised as early as possible during the early stages of fire growth. The best way to do this is to have an interlinked alarm system.

The requirement for interlinked alarms will extend to all homes the same level of protection that is currently required in new build homes

throughout the UK and in private rented homes in Scotland. There are no exemptions for smaller homes in any of these standards.

The Scottish Government carried out a public consultation before introducing this legislation which showed very strong support for a new minimum standard for fire and smoke detectors across all housing and that it should be based on the standard currently applying to private rented property which many respondents felt is a good minimum fire safety standard. The regulations introducing the new standard were unanimously supported by the members of the Local Government and Communities Committee of the Scottish Parliament.

For these reasons, we do not support the petitioner.

Petitioner submission of 23 November 2021 PE1910/B – Amend the forthcoming legal requirement to have interlinked fire and smoke alarms in small houses

My concerns about the new legislation applying to Smoke and Fire Alarms in Scottish homes from February 2022 focuses on 3 points –

1. The requirement to have such alarms is not mandatory in the rest of the UK, and it is unfair for Scottish residents to be treated differently and statutorily liable. The new legislation does not make it clear what happens to those who fail to comply with the new duty. In this respect I consider the legislation to be flawed.
2. The new legislation does not make it mandatory to have alarms hard wired. Experience shows that over time existing battery-operated alarms are left without live batteries either through laziness or to rid the residents of 'low battery' warning noises which tends to be heard at night and become a nuisance. The increased nuisance caused by several interlinked alarms being set off at the same time will only induce some owners to avoid replacing batteries. In this respect I consider the legislation to be flawed.
3. The costs of sourcing and installing alarms may be especially prohibitive for some residents who are on low incomes. Despite the availability of advice from Social Services or the Fire Service, the costs involved at a time when there are already other financial pressures and a forecast rise in inflation, is unwarranted. The need to have installers enter homes during a pandemic will also cause anxiety to some residents. Residents are already being urged to look at changing the heating systems in their homes in order to reduce reliance on carbon-based fuels, and to change their vehicles for the same reason. The additional financial burden caused by the mandatory call for installing these alarms in Scotland does not apply to the rest of the UK and is therefore unjust.

I urge the Committee Members to accept the need for amendment to the legislation as it stands.