

PROPOSED SOCIAL HOUSING (AUTOMATIC FIRE SUPPRESSION SYSTEMS) (SCOTLAND) BILL

DAVID STEWART MSP

SUMMARY OF CONSULTATION RESPONSES

This document summarises and analyses the responses to a consultation exercise carried out on a proposal for a Bill to require Scottish social housing to be fitted with fire suppression systems.

The background to the proposal is set out in section 1, while section 2 gives an overview of the results. A detailed analysis of the responses to the consultation questions is given in section 3. These three sections have been prepared by the Scottish Parliament's Non-Government Bills Unit (NGBU). Section 4 has been prepared by David Stewart MSP and includes his commentary on the results of the consultation.

Where respondents have requested that certain information be treated as confidential, or that the response remain anonymous, these requests have been respected in this summary.

In some places, the summary includes quantitative data about responses, including numbers and proportions of respondents who have indicated support for, or opposition to, the proposal (or particular aspects of it). In interpreting this data, it should be borne in mind that respondents are self-selecting and it should not be assumed that their individual or collective views are representative of wider stakeholder or public opinion. The principal aim of the document is to identify the main points made by respondents, giving weight in particular to those supported by arguments and evidence and those from respondents with relevant experience and expertise. A consultation is not an opinion poll, and the best arguments may not be those that obtain majority support.

Copies of the individual responses are available on the following website www.sprinklersforscotland.com.

SECTION 1: INTRODUCTION AND BACKGROUND

David Stewart MSP's draft proposal, lodged on 16 January 2017, was for a Bill to require Scottish social housing to be fitted with fire suppression systems.

While the focus of the proposal would be to require the installation of sprinkler systems into all new-build social housing, in light of the Grenfell disaster in June 2017, and the existing discrepancy between pre and post-2005 high-rise social housing stock regarding sprinkler systems, the member was of the view that there may also be a case for requiring the retrofitting of sprinklers into such existing social housing stock. This possible requirement was included in the consultation which accompanied the draft proposal, as an element which could potentially be included in the Bill, along with requirements for new homes.

The consultation document was published on the Parliament's website, from where it remains accessible:

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/107479.aspx>

The consultation period ran from 17 January to 16 April 2018.

Prior to the consultation, letters were sent to all 32 local authorities and approximately 100 housing associations as part of a preliminary scoping exercise. The member also met with officials from the Scottish Federation of Housing Association, the Scottish Fire and Rescue Service and the Fire Brigades Union Scotland.

The consultation exercise was run by David Stewart's parliamentary office.

Once the official consultation was launched, information about the proposals and the online survey were sent to the following organisations:

- All 32 local authorities and COSLA,
- The 163 housing associations and registered social landlords listed on the Scottish Housing Regulator's website,
- Eighteen organisations and membership bodies in the building and construction industry,
- Three tenants' and community associations,
- Five emergency services organisations,
- Ten charities and groups working in housing and equalities,
- Five Scottish trade unions and,
- Ten insurance companies and membership bodies.

To launch the consultation, the member was interviewed about the proposals on BBC Radio Scotland and two press releases were sent to print press. During the consultation period the member sponsored a lunch reception in the Parliament to promote the consultation, hosted by the British Automatic Fire Sprinkler Association. This was attended by representatives from at least 14 organisations from the fire sprinkler, fire safety, and social housing sectors, as well as MSPs. In the final month

of the consultation a postcard campaign was also run by Scottish Labour in Mr Stewart's Parliamentary region of the Highlands and Islands.

The consultation process is part of the procedure that MSPs must follow in order to obtain the right to introduce a Member's Bill. Further information about the procedure can be found in the Parliament's standing orders (see Rule 9.14) and in the *Guidance on Public Bills*, both of which are available on the Parliament's website:

- Standing orders (Chapter 9):
<http://www.scottish.parliament.uk/parliamentarybusiness/26514.aspx>
- Guidance (Part 3):
<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/25690.aspx>

SECTION 2: OVERVIEW OF RESPONSES

In total, 354 responses were received and the vast majority were submitted via “Smart Survey” (an online survey which allows responses to be completed and submitted online). Eleven responses were received by other formats (direct to the member via email or in hard copy).

There were 133 (38%) anonymous submissions and 16 (5%) submissions where confidentiality was requested.

There were 73 (20%) responses from organisations and 281 (80%) from individuals.

The responses can be categorised as follows:

- 18 (5%) from public sector organisations (such as local authorities)
- 15 (4%) from representative organisations (such as trade unions)
- 32 (9%) from third sector organisations (such as housing associations)
- 2 (0.5%) other organisations (such as tenant/residents’ organisations)
- 6 (1%) from private sector organisations (such as insurance companies)
- 16 (4.5%) from individual politicians (including eight MSPs and one Peer of the Realm)
- 43 (12%) professionals with experience in a relevant subject area
- 7 (2%) from academics with experience in a relevant subject area
- 215 (61%) from private individuals (members of the public)

There were also 20 returns which appeared to be as a result of a coordinated campaign, which have not been included in the statistics as substantive submissions, which expressed support for the proposal in the following terms:

“I fully support the aims of the proposed member’s bill to require and enforce the installation of sprinklers in all new social housing build by local authorities and registered social landlords.”

Where individual responses are referred to in the summary, the number allocated to the response on the member’s website is followed by the identity number generated by “Smart Survey” and the respondent’s name, or “anonymous”, indicated. Where responses were received by email or hard copy, only the number from the index on the member’s website is provided.

The vast majority of respondents were in favour of the general principle of the installation of fire sprinklers – with 94% expressing full or partial support for the proposal relating to new build social housing, and 90% supporting (in full or partially) retrofitting in high rise social housing stock built before 2005.

The strongest argument presented in favour appeared to be the effectiveness of fire sprinklers (by comparison with other fire safety measures), environmental benefits and the social advantages for residents (in particular for the vulnerable and disabled) and the fire and rescue service.

The views of those putting forward less supportive views cited arguments such as there already being adequate fire safety measures in place and the fact that the

proposal only related to social housing meant that there could be a disparity in protection for other housing sectors.

There was a significant focus on the financial implications of the proposal. Those in favour believed that the cost would balance out in the longer term in view of the reduced numbers of casualties, and in view of the social and environmental impact of fire damage. Other respondents argued that there would be a substantial financial impact and that this might be felt across the board, from the likely need for an increase in Scottish Government grant, to local authority and Registered Social Landlords in terms of impact “on the ground” in meeting legislative requirements, and for tenants who may ultimately have to pay for additional expense through increased rent charges.

While the foregoing arguments were generally made in relation to both types of housing, the additional structural and material challenges which would be encountered in terms of retrofitting were emphasised by many.

A number of respondents highlighted the need for a holistic approach to fire safety. The Fire Brigades Union, for example, supported the wider use of sprinklers as part of an overall building fire safety strategy, including retro-fitting, where appropriate, following risk assessment. Concern was expressed, however, that sprinklers should not be seen as an answer to the threat of fire and the wider use of sprinklers must be as part of an improved and integrated approach to fire safety. COSLA was of a similar view and that such an approach would “maximise the preventative work undertaken to encourage safe behaviour, adequate fire/smoke alarm provision and all parties (landlords, tenants, owner-occupiers and the emergency services) being prepared, in cases of emergency, to take the right actions at appropriate times”.

Several respondents (such as South Lanarkshire Council, the Scottish Federation of Housing Associations (SFHA) and the Local Authority Building Standards Scotland (LABSS), while supportive of the proposal in principle, believed that the findings of the Scottish Government’s Ministerial Working Group on Building and Fire Safety’s review should be considered before the proposal was taken forward.

SECTION 3: QUESTIONS

Question 1

Which of the following best expresses your view of requiring fire suppression systems (i.e. fire sprinklers) to be fitted in new-build social housing? Please explain the reasons for your response, including what you see as the advantages or disadvantages.

350 responses were received to this question. 283 (81%) were fully supportive of the proposed requirement for fire sprinklers to be fitted in new-build social housing, 46 (13%) were partially supportive, 3 (1%) were neutral in their view, 7 (2%) were partially opposed, 8 (2%) were fully opposed and 3 (1%) were unsure.

There was a significant degree of overlap and duplication of material in responses to this question which were also of relevance to question 2 and this should be borne in mind when reading both sections. There are also issues raised in responses to both

questions which related to other questions (such as finance, equalities and sustainability) and these are addressed in greater depth at the relevant section of the summary.

While there was significant support for the principle of installing fire sprinklers in general in social housing, some of this was qualified, or accompanied by alternative suggestions. Likewise, some respondents who were opposed, or partially opposed, provided comments on the advantages and disadvantages of the proposal, and comments referred to under different headings should be read in this context.

Support for the proposal

A substantial number of respondents who identified themselves as current or ex-members of the Fire and Rescue Service and expressed virtually unanimous support for the installation of fire sprinklers, citing reasons such as:

“...the absolute value of sprinklers in suppressing or even extinguishing the early development of a fire and saving lives cannot be over-stated. This is even more important in areas that don't enjoy the immediate fire brigade response times that cities or large towns attract.” [34, ID:72276774, Robert James]

“If a sprinkler system is installed this can inhibit fire spread and development and give people more time to escape and prevent excess fire damage.” [37, ID:72286318, Anonymous]

The Scottish Fire and Rescue Service (SFRS) [343] listed the benefits of such systems as:

- Reducing the risk of death and injury from fire
- Reducing the risk to firefighters
- Reducing the environmental impact of fire
- Protecting property
- Being cost effective at build stage.

They also stated that: “Those residing within social housing are statistically more vulnerable to fire for a number of reasons. The proposal therefore would be considered appropriate for reducing the risk of fire and its effects for the more vulnerable people in society.”

The National Fire Chiefs Council (NFCC) [353] indicated that they would support the proposed Bill, as it took a pragmatic approach to the introduction of sprinklers in the home. It was stated that “evidence suggested that the social housing sector would experience a higher proportion of fires in comparison to non-social housing, and therefore this approach is risk based and proportionate”.

Advantages of fire sprinkler systems

Effectiveness

Some respondents cited statistical evidence to support the effectiveness of fire suppression systems: The European Fire Sprinkler Network referred to an analysis from UK fire service incident reports which showed that “when sprinklers operated

they controlled or extinguish 99% of fires”. [81, ID:77601956]. Similarly, RoSPA [253, ID:79312847] cited evidence from the USA where legislation had been introduced requiring the installation of sprinkler systems; Scottsdale, Arizona has required all properties to have sprinklers and has virtually eliminated deaths in home fires and reduced incidents of injury and property damage by 80%.

Benefits to residents over other firefighting/safety measures

Advantages over other fire safety measures were emphasised, including:

- “As a means of protecting the occupants it is probably more relevant and effective than self-closing fire doors which often have the door closers removed or the doors are wedged open.” [7, ID:72135855, Lennox R Blyth]
- “The early activation of a suppression system can significantly alter the dynamic fire compartment condition, lower temperature and thus not allowing super-heated gases to develop. Thus can make the compartment survivable and importantly make it a safer environment for firefighters to enter safely.” [31, ID:72262315, Anonymous]

Benefits for the disabled and vulnerable

Some respondents pointed out that residents of social housing were often likely to be vulnerable “...due to age related or other forms of ill health including cognitive impairment, poor mental health, disability or mobility problems or affected by drug and or alcohol misuse or addiction. Vulnerable persons or those on low income and/or receiving social benefits are least likely to have adequate financial and other support are likely to be disproportionately affected by fire. As the cost of provision of social housing is high and cost of rehousing persons and reinstating fire damaged property is substantial sprinklers are required to protect the financial public investment in social housing in Scotland.” [25, ID:72242493, Anonymous]

One respondent was a worker in sheltered housing “... where we have some particularly vulnerable adults with poor mobility. I believe the installation of sprinkler systems would certainly increase the safety of residents.” [51, ID:72755008, Anonymous]

Deaf Action [103, ID:78959390] highlighted the difficulties faced by deaf tenants who cannot simply rely on standard fire and smoke alarms to alert them and have to apply for an appropriate alerting device and how the installation of fire sprinklers would be of great benefit.

Homes for Scotland [349, ID:79878300] was of the view that “The research cited within the consultation paper indicates that there are a range of factors which can increase the risk of being involved in a domestic fire in Scotland, and that this risk increases in areas of social and economic deprivation. In that context, it would be helpful to consider a range of interventions that could be implemented to more directly target the underlying reasons behind increased fire risk in Scotland.”

Limited damage to property

Fire damage in homes protected by sprinklers was also likely to be reduced: one respondent believed that “well over 90% of domestic fires were extinguished by

sprinklers before the fire and rescue services arrived, and almost all others were well-controlled. Water damage was a fraction of that caused by fire hoses. Since sprinklers offer virtual 100% safety, extremely high reliability, and offer huge savings to property, the only remaining question was one of cost. The usual rule of thumb is that installing sprinklers in new-build is comparable to installing fitted carpets". [78, ID:77383582, Nick Ross]. Aberdeenshire Council [94, ID:78446394] also referred to the advantage of sprinklers providing additional protection of both occupier and of the physical asset.

Arguments against/disadvantages of the proposal

There were some respondents who argued against/pointed out the disadvantages to the installation of fire sprinklers in new build social housing.

Sufficient fire safety measures

Some felt that adequate fire safety measures were already in place: Angus Housing Association [75, ID:774246318], for example, felt that it was not necessary, "as the number of fatalities from fires in our sector is now minimal, especially in most of the houses built since 1985 where fire doors and smoke detectors have reduced fatalities considerably already". One anonymous respondent felt that: "Other fire suppressing means (fire doors etc.) should be sufficient in low rise and individual houses." [54, ID:73107617], while another referred to materials specified "through the building regulations [which] are sufficient to ensure that fire prevention is maximised in new build housing. To enforce the fitting of sprinkler systems would result in an increase in build costs, which are already proving to be excessive, and in turn, less housing will be provided." [29, ID:72261657]

Why only social housing?

The Association of Local Authority Chief Housing Officers (ALACHO) [352] said that "the analysis of fire deaths set out in the consultation document is limited, makes no attempt to analyse the causes of domestic fires (which may point to other more cost-effective options) and whilst it points to some key risks, like for example significant numbers of older people living alone, it ignores the fact that there is a larger and growing population of lone older owner-occupiers. In this connection we do not understand why the proposal is limited to social rented housing. If fire suppression systems save lives then they are as valuable in our growing private rented sector and our ageing owner-occupied sector as they are to social housing tenants".

Orkney Housing Association [253, ID:78853804] was of the view that it would be more effective to base the decision to fit sprinklers on a fire risk assessment for each individual property irrespective of tenancy/ownership.

Reference was made to other types of property and the view that the policy should be mandatory for all new build, not just the social sector. One anonymous respondent [59, ID:73957124] felt that: "In order for suitable solutions to be designed and costs to be contained, it is necessary for the volume house builders to be liable for this as well."

Mixed tenure

There was reference by some respondents, including Moray Council [55] to the fact that new social housing is delivered as part of mixed tenure housing developments, with tenures ranging from owner-occupation and low cost home ownership to mid-market affordable rent and private rent – If new social rented housing was to have sprinklers whilst adjacent private properties did not, this could be seen as an “uneven and selective approach to fire safety, based on tenure, [and] could work to undermine the aims of both the bill as well as those of urban planning and area regeneration to promote tenure neutral mixed communities”.

Similarly, COSLA [346] referred to the difficulties arising in mixed tenure properties for other interventions and which may also prove to be the case for any requirements to fit sprinklers – “We would also highlight difficulties having certain type of requirements on social rented accommodation (either at new build or retrofitted for social high-rise) from those in owner occupier and private rented sector – this could add confusion across the piece and we suggest any proposed legislation would need to be accompanied with media campaigns to ensure everyone understands the differences between tenures and reasons for them, supported with relevant evidence.”

Financial implications

While the financial implications for stakeholders is considered separately in the responses to questions 4 and 5, they were nonetheless a significant feature in the first two questions and therefore a flavour of the themes put forward are also reflected here. The cost of installation and other factors were mentioned by a number of respondents, and in this context, some of the positive and negative opinions are mentioned here.

Financial benefits at new build stage

One argument for the installation in new builds was that this was the best time to include such a measure: one respondent highlighted that “The additional cost to do so is minimal and the very best time to do so is at the design and build stage.” [60, ID:74211575, Brian Fulton]

Another respondent, while acknowledging that it would cost more to build social housing, stressed that these costs would be comparatively minor, and “would mean a housing stock that is more resilient”. [47, ID:72415310, Michael Kelly]

Potential impact on number of new build properties

Reference was made in some responses to the negative effect which any increase in costs would have on the number of new social houses for rent that will be built in future. The Tenants Information Service [327, ID:79690765], for example, stated that:

“Scotland needs new housing now and in the future and any increase in build costs / specifications will affect the number of properties that can be built - New build properties will need to be built to a specification that includes water tanks and systems to provide water for sprinklers, again incurring additional costs”.

Source of funding and potential impact on rents

There were concerns that any funding from grant would not be sufficient to cover the increase in costs and of the implications of this for tenants in particular. The Scottish Federation of Housing Associations [341, ID:79063254] believed that “meeting the costs will not be as straightforward as additional costs being met by government grant” and highlighted that, about half the cost of building new housing association homes comes from private loan funded through tenants' rents. It was suggested that it may be better to target resources by improving data-sharing between agencies on vulnerable individuals most at risk of fire.

Similarly, Edinburgh Tenants' Federation (ETF) [342] felt that the increased costs may well impact on the eventual affordability of rent levels or reduce the available funding for future maintenance works, and that additional funding from the Scottish Government should be made available to landlords to install sprinklers.

Angus Housing Association [75, ID:77246318] argued that the additional cost did “not warrant such a draconian responsibility being placed on social landlords and the increased cost per house will only put more pressure on already high rents”. And the West of Scotland Housing Association [58, ID:73745671] felt that financial implications “for both new build or retro fit costs will be an issue that will require recognition (by an element of grant support) by all parties providing and maintaining social housing in Scotland”.

The Association of Local Authority Chief Housing Officers (ALACHO) [352] referred to the suggestion in the consultation document “that the Scottish Government should fund any additional costs to the new build programme and that the cost of any retrofit programme could be spread over a number of years to reduce the impact on rents”, but did not think that that approach offered sufficient assurance over the financial implications of the proposal.

Other costs

In addition to installation costs and ongoing costs (for example, maintenance), other costs were highlighted. The City of Edinburgh Council [298, ID:79549597], for example, said that “The apparatus would have a capital cost to design, install and maintain; however, other costs would also be attributed such as increasing the structural loads that the building would need to withstand, not only from the additional dead load of the apparatus but also load from dispersed water if sprinkler heads are activated.”

Insurance

The insurance company AXA Insurance UK plc [121, ID:79027265] was supportive “subject to appropriate standards and controls with regard to design, installation, commissioning and maintenance being incorporated as well as all works being undertaken by competent contractors.” The possibility of “built in incentives of a reduced premium cost for homes fitted with sprinklers” was suggested by one respondent [34, ID: 72276774, Robert James]

Question 2

Which of the following best expresses your view of requiring fire sprinklers to be retrofitted into housing owned by social landlords which is located in high rise buildings built prior to 2005? Please explain the reasons for your response, including what you see as the advantages and disadvantages.

350 responses were received to this question. 267 (76.5%) expressed full support for a requirement for retrofitting, 47 (13.5%) expressed partial support 12 (3.5%) respondents took a neutral stance, 12 (3.5%) were partially opposed, eight (2%) were fully opposed and four (1%) were unsure of their position.

As already indicated, many of the comments in the responses echoed those made in relation to question 1 and are not repeated in depth here.

Grenfell Tower disaster 2017

A substantial number of responses made a specific reference to the Grenfell disaster, suggesting that the installation of fire-sprinklers in high-rise social housing was a means of preventing another such disaster:

“Grenfell was a man-made tragedy. For all high rise properties a sprinkler system should be mandatory given the nature of the building and difficulties in evacuation safely.” [4, ID:72129521, Anonymous]

Arguments in favour of retrofitting in pre-2005 high rise blocks

As already indicated, many of the arguments in favour of retrofitting reflect those made in the context of new build social housing, or to the principle of the installation of fire sprinklers in general, including the benefits of early activation of fire sprinkler systems, and for the vulnerable and disabled.

Other points included further reference to the work of the Ministerial Working Group and the Building Standards Fire Safety Review, which was focussing “primarily on high rise housing, and so it will be important to await both the outcome of this and the interim findings from Grenfell before any decisions are made to consult on retrofitting existing stock.” [344, Glasgow and West of Scotland Forum of Housing Associations]

The Fire Brigades Union [351, ID:79903441] referred to their support being on “the basis of a nationally agreed common risk assessment that takes account of the design and construction of the building; the likelihood of fire and; the vulnerability of residents”.

Arguments against /disadvantages of retrofitting

Again, there were many similar counter arguments or comments on the disadvantages of retrofitting to those expressed in relation to installation in new build social housing, including

- Expense of installation in high rise blocks by local authorities, housing associations, owner-occupiers and tenants:
- Disruption to tenants while the work was carried out;

- Technical issues associated with this type of building.

Financial implications

Cost of implementation

Rosebank Tower Property Council [69, ID:76708038] was of the view that: “All proprietors in the building (private and social landlords) are equal owners of the common parts. The social landlord is our Factor for the common parts but not the sole owner. Given the possibility that installation costs could be £4,500, we are not yet convinced that it is proven cost benefit for all proprietors.”

Phased approach

The European Fire Sprinkler Network [81, ID:77601956] did not view the costs as being prohibitive: “Sprinklers have been retrofitted in hundreds of existing homes in the UK, most of them social housing, without difficulty and at modest cost. There is a cost to do the work but if social landlords are given a lead time to complete the work they can plan the funding for it.”

Possible effect on affordable housing delivery

Again, there were concerns about the impact on the number of homes for rent. Homes for Scotland [349, ID:798783300] felt that further consideration should be given to the potential impact on affordable housing delivery in Scotland. Based on the Scottish Government Household Survey estimate that around 23% of households in Scotland are in the social rented sector, which represents around 563,500 homes, Homes for Scotland estimated that the retrofit programme would cost £1.8 billion to deliver and that a further £74 million of annual maintenance costs would need to be borne by affordable housing providers.

Sources of funding

The need for additional funding was again emphasised with respondents commenting that existing budgets of councils and RSLs would not be sufficient to cover the costs of retrofitting. According to Dumfries and Galloway Council, “... it is unlikely this work is already fully funded in social landlords Business Plans. In addition the cost of carrying out this work could fall on a relatively small number of landlords.” [48, ID:72623524]

Better use of resources in other housing stock?

The Scottish Fire and Rescue Service (SFRS) [343] supported the concept of risk assessed retro fitting of sprinklers in existing buildings where there is statistical evidence of a higher risk to residents having a fire or becoming a fire casualty. It went on: “Statistics show that fire fatalities predominately occur within other types of social housing, not high rises. As such the cost involved with retrofitting may be better utilised across other social housing types and tenures, which accommodate the most vulnerable in society. Essentially this money could potentially be used to improve the life safety of many more vulnerable people.”

Parity of treatment of different types of homes and tenures

A number of respondents referred to the amount of mixed tenure in high rise housing stock where there would be owner-occupiers as well as rented properties. East Ayrshire Council referred to “the potential disparity that would prevail where existing dwellings would potentially be excluded from the proposals”, adding that “Any

resultant proposed amendment to the Building (Scotland) Regulations 2004 that would be applicable to social housing should also give consideration as to how Shared Ownership, Low cost Initiative for First Time buyers, Rural Housing Fund and Affordable Housing Policy sites being delivered by private developers are to be treated, along with any new initiative yet to be developed. [66]

Consultation with those affected

A number of respondents drew particular attention to the need for consultation with those directly affected (i.e. tenants and owner occupiers). The Association of Local Authority Chief Housing Officers (ALACHO) [352], for example, believed that “retrofitting in all high-rise buildings (including those out with the social rented sector) should be a matter for local discussion and decision making with those involved and most likely to carry both the risk and the cost having the final say”. South Lanarkshire Council [93, ID:78415655] said that the opinion of owner-occupiers should be taken into account, as they made up 16% of South Lanarkshire’s high-rise buildings.

The City of Edinburgh Council [298, ID:795459] indicated that, from a local authority perspective, “owner engagement could prove a protracted exercise. Some of the 44 high-rise blocks across Edinburgh have a high percentage of private owners and landlords who may be resistant to funding their portion of these works.”

Technical issues

Attention was drawn to the complex technical and structural challenges which were likely to be encountered, and which would also impact on costs.

- Structural challenges, such as “The challenges of retrospectively running pipes through floors and partitions is likely to create weaknesses in existing fire stoppage / compartmentalisation. There may be a need to disturb areas where existing asbestos materials are being satisfactorily managed by being encapsulated”. [294, ID:79377341, Perth and Kinross Council]
- The City of Edinburgh Council [298, ID:7954597] felt that a full design appraisal would be required in order to understand the risks and technical challenges of putting in place a fire sprinkler system.
- Ongoing maintenance and testing – “Consideration should be taken into account to asbestos in these blocks which will ultimately be disturbed in every flat for sprinkler service pipes... and should be modelled into any capital costs when reviewing retrofits. Linstone and other RSLs are currently spending significant sums of money to ensure that the integrity of its multi storey flats is intact by maintaining efficient compartmentation between each flat. This has been highlighted by both our fire risk assessor and by Scottish Fire and Rescue”. [310, ID:79059608, Linstone Housing Association]

Question 3

Do you think that there are other steps which could be taken (either instead of, of in addition to legislation) to achieve the aims of the proposal? Please explain the reasons for your response.

There were 346 responses to this question, with 131 (38%) indicating that they thought that there were other steps which could be taken, 91 (26%) believing that there were no other measures required, and 124 (36%) unsure.

Many respondents argued that legislation was the only measure which would ensure that fire sprinklers were installed. Comments included—

“It is evident that owners of properties (whether that be private companies or individuals) have no interest in spending money to ensure the homes are of a liveable standard, making it law will be the only way to get them to comply.” [10, ID:72139123, Anonymous]

“I see no means other than legal compulsion by which local authorities could be persuaded to make the expenditure involved either in new-build fitting of sprinkler systems or in retro-fitting taller buildings.” [86, ID:78003513, Anonymous]

Other fire safety measures which should be taken as alternatives to legislation were proposed.

Reference was made to high rise blocks in particular: the Tenant Participation Regional Network (Regions 3 and 4) [89, ID:78226029], for example, highlighted the need for:

- alarms
- clarification of evacuation procedures
- early warning systems
- proper fire doors
- regular checks to ensure that safety measures actually work.

Others suggested that regular fire drills [4, ID:72129521, Anonymous] and inspection regimes [42, ID:72354989, Key Housing Association] should be introduced.

Hebridean Housing Partnership said there was a need to address, possibly in the form of a published document, concerns for housing associations about “... cost; statistics on death per fire rate (before and after sprinklers); how sprinklers work; activation issues (malfunction); property damage after activation; visual impact; water supply issues; construction issues (depth of joists between floors); maintenance; insurance (product and property)”. [90, ID:78340385, Hebridean Housing Partnership]

West Lothian Council [312, ID:79623860] referred to measures to reduce the disproportionately higher frequency of fire outbreaks in areas of socio-economic deprivation compared to other tenures and that: “By tackling the causes of this disparity there will be less of a reliance on fire suppression systems”.

Angus Council [75, ID:79677962] suggested that a simpler approach could be attaching a condition relating to grant awarded through the Scottish Government’s Affordable Housing Supply Programme, requiring new build affordable housing to have sprinkler systems provided.

Another recommendation related to better data sharing between social landlords and agencies such as social work and the Scottish Fire and Rescue Service to target support and intervention to at risk groups. [338, ID:79063254, Scottish Federation of Housing Associations]

The need for improved communication and consultation was also highlighted by many, particularly between social rented sector landlords and tenants to ensure that approaches to fire safety were effective.

Questions 4 and 5 - Financial implications

Question 4.

Taking account of both costs and potential savings, what financial impact would you expect a requirement to include fire sprinklers in new-build social housing to have on:

- (a) Government and the public sector**
- (b) Businesses**
- (c) Individuals**

Please explain the reasons for your response.

Question 5

Taking account of both costs and potential savings, what financial impact would you expect a requirement to retrofit fire sprinklers in housing owned by social landlords which is located in high-rise buildings built prior to 2005 on:

- (a) Government and the public sector**
- (b) Businesses**
- (c) Individuals**

Please explain the reasons for your response.

Scottish Government and the public sector

In relation to **new build social housing**, there were 343 responses in total - 69 (20%) felt that there would be a significant increase in costs, 188 (55%) felt there would be some increase, 48 (14%) felt that the impact would be cost neutral; 12 (3.5%) that there would be some reduction in cost for this sector; 5 (1.5%) that there would be a significant reduction and 21 (6%) were unsure what the financial impact would be.

In relation to a requirement to **retrofit fire sprinklers in high-rise social housing built before 2005**, there were 337 responses in total - 124 (37%) felt that there would be a significant increase in cost for these bodies, 146 (43%) some increase, 29 (8%) that the impact would be cost neutral; 6 (2%) that there would be some reduction in cost; 6 (2%) a significant reduction, and 26 (8%) were unsure what the financial impact would be.

There was an acknowledgment that there were likely to be increased costs in connection with both types of housing stock at the outset, but that “over the lifetime

of a building, there are other savings likely to be realised such as fewer deaths and injuries, and from buildings remaining habitable after a fire. Costs for new build projects may be absorbed into the cost of a project more easily than retro fitting.” NFCC [Response no 353]

John McGhee [8, ID:72133397] thought that local authorities should expect an overall reduction in cost due to the reduction in fire spread and property damage, and the Hebridean Housing Partnership [91, ID:78340385] felt that there was uncertainty about the cost of installation and future maintenance, but “once it becomes standard costs will reduce”.

COSLA [346] found it “difficult to estimate the financial implications of the proposed bill at this stage, without sight of the actual provisions that would be included”.

In relation to **new-build housing**, local authorities generally expressed concern about the level of funding which would be required. The following comments provide a flavour of the views of a number of local authorities:

- Dundee City Council [53, ID:73039015], who had experience of installing sprinklers in new build council housing, had found that: “this leads to significant additional costs to future proof the dwellings”.
- East Ayrshire Council [66] sought clarification of the level of funding that the Scottish Government would commit to: at present, an additional £2,000 was made available to local authorities and RSLs developing new build homes where the properties complied to certain standards. However, “this sum has not been set to equate to identified installation costs”.
- West Lothian Council felt that there was likely to be an increase in the overall design, construction and maintenance costs and drew attention to the cost of ongoing whole life maintenance and replacement cost not associated with existing stock. Any potential monetary savings from potential fire damage to properties (average value of domestic fires recorded in 2004 was £7,300) might be outweighed by the design and installation costs. [312, ID:79623860, West Lothian Council]
- Angus Council estimated that the cost of installation to be approximately £5,000 per unit, around 4% of average build costs. It recognised “the economic and social benefit to the Council and the household any time a sprinkler system stops the spread of fire within a home, however the Council cannot accurately quantify the financial benefit”. [321, ID:79677962, Angus Council]

Homes for Scotland also referred to an estimated average cost of £2,475 for installation and maintenance costs of £131. Applying these costs against 2016-17 social housing approvals indicated that local authorities could have needed an additional £4,041,675 for installation and a further £213,923 for annual maintenance costs. If the Scottish Government agreed to increase grant subsidy for RSLs to cover the installation costs it is estimated that an additional £12.8 million could be required each year to deliver the equivalent number of units. [349, ID:79878300]

In relation to **retrofitting high rise housing stock**, a number of respondents provided practical information to illustrate why, in their view, the proposal might represent a significant increase in costs for the public sector.

South Lanarkshire Council [93, ID:78415655], for example, indicated that it owned or maintained 21 high-rise residential buildings, comprising 1,845 flats, and there would be practical and financial challenges of installing the systems. Impacts to tenants within the buildings would also need to be considered, including costs for work to remove any asbestos and the subsequent decoration and “Tenants may also be required to be relocated during any works, attracting additional costs. Similarly, there were 325 owner-occupied properties whose occupants would be required to cover the substantial installation and additional maintenance costs of systems to their properties”.

Homes for Scotland [349, ID:7987300] was of the view that such a programme was likely to require significant investment from the Scottish Government and other public-sector bodies: “With it estimated that social rent accounts for 23% of Scottish households (around 563,500 homes), it is assumed that this could cost in the region of £1.8 billion to deliver. A further annual investment of £74 million could be required to undertake maintenance”.

Businesses

There were a total of 333 responses to this question. In relation to the impact on the business sector of the proposal in terms of **new builds**, 41 (12%) felt that there would be a significant increase in cost associated with new-build housing for businesses, 177 (53%) that there would be some increase, 68 (20%) that the impact would be cost neutral; 11 (3%) that there would be some reduction in cost for this sector; 3 (1%) that there would be a significant reduction, and 33 (10%) were unsure what the financial impact would be.

In terms of **retrofitting high rise housing stock**, there were 327 responses in total. 85 (26%) were of the view that that there would be a significant increase in cost, 144 (44%) that there would be some increase, 47 (14%) that the impact would be cost neutral; 8 (2%) there would be some reduction in cost, 3 (1%) there would be a significant reduction 40 (12%) being unsure what the financial impact would be.

There were some mixed views about the impact on the business sector, but a significant majority believed that there would be an increase in costs for that sector.

One anonymous respondent [2, ID:71723647] said that businesses would benefit “through a more cost effective property protection, reduced disruption due to fire and consequent loss of business activity (a high number of businesses go out of business following a significant fire).”

As with responses in relation to the public sector, there was a view that any initial increase in costs to house builders would eventually be neutralised once installation becomes a normal part of house building practice:

“... as plans are adapted and this becomes normalised practice it would become cost neutral. Siting and materials cost would come down and would actually increase employment for fitters and contractors.” [31, ID:72262315, Anonymous]

There was a view that the manufacturers of sprinkler systems could benefit in the long term if the scheme was introduced in Scotland:

“... as with any home improvement this is not a zero-sum game, and business will benefit because of the additional investment. If all social housing is included there will be incentives for businesses to set up in Scotland to install, or even research, develop and manufacture automatic fire suppression systems”. [78, ID: 77383582, Nick Ross]

Others held the view that there might an increase in costs for house builders and private sector companies. One respondent, while acknowledging that it might be difficult to surmise whether “the longer lifespan of housing that is resilient to fire would outweigh the general increase in the price of construction”, nonetheless felt that “the cost of fires on the surrounding area, as well as the damage done to communities may well be a counter to that”. The same respondent expected that more generally, an increase in social housing safety would alter the safety expectations in the private sectors, but suspected that “that would impact construction company profit margins rather than the end customer”. [47, ID: 724153319, Michael Kelly]

Individuals

In terms of the perceived financial impact on individuals, there was a total of 335 responses. 31 (9%) expressed the view that there would be a significant increase in cost for **new build** housing, 125 (37%) that there would be some increase in cost, 118 (35%) felt that the impact would be cost neutral; 8 (2%) that there would be some reduction in cost for this sector; and 11 (3%) that there would be a significant reduction in cost, and 42 (13%) were unsure what the financial impact would be.

Regarding **high rise residential buildings**, and the financial impact the proposal would have on individuals, there were a total of 321 responses. 58 (18%) expressed the view that there would be a significant increase in cost for retrofitting the high-rise housing stock in question, 115 (36%) that there would be some increase in cost, 87 (27%) that the impact would be cost neutral; 11 (3%) that there would be some reduction in cost; 6 (2%) that there would be a significant reduction in cost, and 44 (14%) were unsure what the financial impact would be.

Key Housing Association stated—

“As an RSL we would expect grant assistance in full or part to meet these costs. The balance of costs and maintenance/replacement liabilities would require to be charged to our tenants.” [42, ID:72354989]

A similar view was expressed by another respondent, Dumfries and Galloway Council—

“The costs could be potentially passed on to tenants through rent increases. There may also be disruption within individual properties that require the

tenant to carry out remedial decorative work. Some of the older housing stock may present challenges to retro fitting sprinkler systems”. [48, ID:72623524]

Again, the level of grant provision was referred to: Glasgow and West of Scotland Forum of Housing Associations (GWSF) [Response no 344] advised that, unlike the system of grant for new social housing, “there is no similar grant mechanism for major repairs to existing stock, and so unless this changes, the cost will fall wholly to tenants. And owners in mixed tenure blocks will certainly need financial support if they are to pay their share of the cost. GWSF is not comfortable with the notion (hinted at in the consultation) that in mixed blocks it may only be the flats owned by the social landlord that get sprinklers retrofitted”.

Homes for Scotland [349, ID:79878300] suggested that the ongoing increased maintenance costs may have an impact on rents.

Increased costs for all

Some submissions, such as that from the Tenants Information Service [Response no 327, ID:7960765], expressed the view that the proposal for new builds would have increased financial implications for all concerned:

- Scottish Government will have increased costs to enforce and check standards;
- Fewer houses would be built for the funding available;
- Landlords will be required to fund not only the fitting of sprinklers, but also the maintenance and repair costs in future;
- Tenants (individuals) will bear the brunt of costs either in increased rent charges or decreases in other services / investment works;
- Some businesses could see an increase in available contracts and profits if commissioned to carry out the work.

Question 6

Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)? Please explain the reasons for your response.

Of the 342 respondents who responded to this question, 64 (19%) were of the view that there were other ways in which the Bill could achieve its objectives more cost-effectively, 55 (16%) that there were no other measures which would result in more cost effective results, and 223 (65%) were unsure.

Suggestions for more cost-effective measures included:

- Insurance companies could become more involved in the scheme and the installation should result in savings in time for both insurance claims and tenants [46, ID:724107620, Alastair Boyle], [3, ID:72128810, Andrew Blackburn], [69, ID: 76079658, Tecems]
- According to Moray Council [55]: “Cost reduction in principle could only be achieved by setting a varying level of provision depending on a risk based

approach. There will be costs associated with the introduction of this legislation whatever final level of provision is decided upon.”

- A change in approach to design might offer a cost saving: East Ayrshire (CCG as Council New Build Developer Partner) [66] felt that:

“If sprinklers are to be accommodated in flats, is there to be an associated change of approach to the design of hallways in terms of there being a protected zone i.e. will partitions around hallways still require to be fire protected and will pass/store doors require to be fire rated. If not, the associated financial saving could assist in offsetting sprinkler installation costs”.

- Provision of low-cost loans to landlords to encourage retro-fitting [68, ID: 76004129, South Ayrshire Council]
- “A reasonable timescale for compliance to allow the market to respond with cost effective solutions and a review of the technical standards to ensure that any proposed change in the legislation did not force the over-specification of systems”. [93, ID:78415655, South Lanarkshire Council]

Question 7

**What overall impact is the proposed Bill likely to have on equality, taking account of the following protected groups (under the Equality Act 2010): race, disability, sex, gender re-assignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity?
Please explain the reasons for your response.**

There were 343 responses to this question. 130 (38%) felt that there would be a positive impact on equalities issues; 42 (12%) that there would be a slightly positive impact, 141 (41%) were neutral, while four (1%) indicated a negative or slightly negative impact, and 26 (8%) were unsure what the impact would be in this context.

The European Fire Sprinkler Network felt that the proposal would have a positive impact on the economically disadvantaged: “Given that disadvantaged groups and people with disabilities make greater use of social housing, anything which increases the safety of social housing, which has itself been shown to experience an increased rate of fire deaths, must have a positive impact on equality. [81, ID: 77601956]

A number of respondents referred specifically to the importance of the installation of fire sprinklers for the vulnerable and disabled: “It would increase safety for those with disabilities who may rely on others to escape from fire” Hebridean Housing Partnership [91, ID: 78340385]”

One respondent [100, ID: 78929886, Anonymous] expressed concern about the possible negative financial impact which could lead to a “disproportionate cost for occupants of social housing.”

Dumfries and Galloway Council felt that: “The introduction of sprinkler systems is unlikely to provide benefits to a particular protected group.” [48, ID:72623524]

Question 8

In what ways could any negative impact of the Bill on equality be minimised or avoided?

There were 190 responses to this question.

A number of respondents suggested ways in which any negative impact of the proposal on equality could be minimised or avoided, including:

- making the fitting of sprinkler systems mandatory and engaging with tenants to promote the initiative.
- the importance of ensuring that all those whose first language is not English are made aware of the scheme [58, ID:73745671, West of Scotland Housing Association]
- monitor the reaction of house builders, taking into account what had happened during the passage of The Domestic Fire Safety (Wales) Measure 2011, when “one Conservative AM said that the new requirements had already reduced the number of new house starts in Wales - six months before the Regulations took effect”. [77, ID:773772386, Stewart Kidd]

Question 9

Do you consider that the proposed Bill can be delivered sustainably, ie without having likely future disproportionate economic, social and/or environmental impacts? Please explain the reasons for your response.

Of the 344 respondents who answered this question, 240 (70%) were of the view that the Bill could be delivered sustainably, 41 (12%) felt that it could not, and 63 (18%) were unsure.

Those who were of the view that the proposal could be delivered sustainably expressed views such as: “It would have significantly positive social, economic and environmental benefits. For example the damage to the environment and persons from very toxic and environmentally harmful fire emissions would be very cost effectively significantly controlled and reduced.” [25, ID:72242493, Anonymous]

Elizabeth Simmons felt that “the reduced cost of clean up after fire due to it being extinguished more quickly, it will have future benefit to the economy”. [6, ID:72134020]

The Tenants Information Service felt that the proposal could not be delivered sustainably due to the potential negative financial impact on tenants: “If landlords and therefore tenants are responsible for payment of installation of sprinkler or other systems, the TIS Board cannot see how this will not affect the social housing sector and its tenants. [327, ID:79690765]

Attention was drawn to the demands on “water supply issues in particular areas are already at full capacity, and Scottish Water are unable to guarantee supply pressure. [59, ID:73957124, Anonymous]. Another anonymous respondent did not believe that

“the full resultant consequences have been considered and allowed for, i.e. increased risk due to legionella and increased cost of testing and maintenance being passed onto tenants.” [97, ID:78875607, Anonymous]

East Ayrshire Council [66] felt that that the proposed legislation could disadvantage those tenants living in properties which were not fitted with fire sprinklers and create a degree of inequality, with “the potential disparity that would prevail where existing dwellings would potentially be excluded from the proposals, with no recourse for catch-up or alignment across tenures”. South Lanarkshire Council [93, ID: 78415655] called for a holistic approach to improving fire safety standards to ensure all tenants and residents receive adequate fire protection.

Question 10

Do you have any other comments or suggestions in relation to a requirement for fire sprinklers to be fitted in new-build social housing?

Question 11

Do you have any other comments or suggestions in relation to a requirement for fire sprinklers to retrofit sprinklers into housing owned by social landlords which is located in high-rise buildings built prior to 2005?

There were 205 responses to question 10 and 183 responses to question 11.

The vast majority of the points raised have already been cited. Other points included:

- The establishment of a specialist group to evaluate and develop fire suppression system with representatives such as the Government, Cosla, Fire service, Insurance Companies, housing bodies and British Standards and companies which specialise in this type of work. [85, ID:76697991, David Anderson
- Education and improved information about prevention, as well as consultation with tenants and others directly affected.
- The use of innovative standalone suppression systems should be considered where the occupant has been assessed as “at risk”. [343, Scottish Fire and Rescue Service]
- In terms of retrofitting specifically:
 - The impact on non-social housing: “To access housing owned by social landlords requires work to, and affecting, the building ‘Common Parts’ as defined in the Property Title Deeds. Costs affecting Common Parts are the liability of all Proprietors, equally therefor you are proposing to impose additional costs on non-Social Housing, even if you do not require them to fit sprinklers in their own houses.” [64, ID:75037606. Anonymous]

- The view that technical issues “are such that these decisions would have to be made on a case by case basis with a recognition that additional costs may prompt landlords to consider demolition rather than improvement with all that this would entail for tenants and communities” [352, ALACHO]

SECTION 4: MEMBER'S COMMENTARY

David Stewart MSP has provided the following commentary on the results of the consultation, as summarised in sections 1-3 above.

I would like, firstly, to record my sincere thanks to the organisations who helped to form the initial proposals, as well as every individual and organisation who has taken the time to reply to the consultation. I am also extremely grateful to the Non-Government Bills Unit for their detailed support and diligence throughout this process.

The 354 responses to the consultation came from across the breadth of Scottish society and I am delighted by the range of sectors and civic society organisations that are represented in the final responses. The quality of the submissions has also been impressive; the level of detail and thought that has gone into the responses is both extremely useful and much appreciated.

It is clear that there is strong support for the introduction of automatic fire suppression systems into Scottish social housing. Of the 354 responses, an overwhelming 94% expressed full or partial support for the principle of installing fire sprinklers into new-build housing. The recognition of the need to tackle issues of fire safety in Scotland is encouraging to see. It is apparent that the tried and tested effectiveness of sprinklers, and their capability to save lives, were important for a large number of those who responded.

Some responses did discuss other methods of enhancing fire protection, such as increased use of smoke alarms and robust enforcement of existing building regulations. A number of responses also suggested that the proposals are delayed until the Scottish Government's Building and Fire Safety Working Group reports. The remit of the group is to look at all fire safety standards and protections, including but also beyond that of automatic fire suppression systems.

I have always maintained that fire sprinklers cannot be considered a 'fix all' solution for fire safety but that they should sit alongside other methods to ensure a fully holistic approach. It is notable that responses from individuals and organisations experienced in firefighting¹ expressed strong support for automatic fire suppression systems, recognising them as a crucial factor in the overall fire safety solution. I therefore believe the case has been made for sprinkler systems to be utilised alongside other fire safety methods. The Working Group is due to report in the summer and its conclusions can therefore inform the proposals at that stage.

Some questions were asked as to why only social housing was being targeted by the proposals, with suggestions that the effectiveness of sprinklers may be undermined by the disparity of coverage. It is undisputed that fires occur disproportionately in areas of socio-economic deprivation and in social housing. The narrow remit of the proposal therefore aims to enhance fire safety where the risk, and thus potential

¹ Such as the Scottish Fire and Rescue Service, the National Fire Chiefs Council and the Fire Brigades Union Scotland.

benefits, are highest. However, my hope is that this proposal is only a first step and, as the life-saving value of fire sprinkler systems is displayed, they are used to protect all Scottish homes from the destruction of fire.

The cost of installing and maintaining sprinklers systems was raised in many of the responses. I appreciate that this will be an important consideration for social landlords who will be tasked with implementing the proposal. Scotland needs more new social housing but it also needs social housing that is safe. Installing fire suppression systems during the construction stage will undoubtedly incur some capital cost but I believe that this is best viewed as an investment that will prove cost effective in the long term. Fire sprinklers will enhance the resilience of housing stock and increased market demand, along with the scale of projects, should help to drive down prices. Importantly, despite raising the issue of cost, all 16 local authorities and 73% of the individual housing associations who responded still expressed full or partial support for the proposal.

Nevertheless, it is clear from the responses that retrofitting into existing high-rise social housing is a more complex issue than installing into new-build housing. Although there was still strong support for such an approach (76.5% full support and 13.5% partial support), a number of significant objections or reservations were raised. Questions were asked about the practicalities of fitting sprinkler systems to existing structures, especially where there may be issues related to asbestos and/or suitable space for storage tanks could not be found. In addition, the costs of retrofitting are higher than for new-build installations. Requiring the retrofitting of sprinkler systems could also have knock-on costs for owner-occupiers in mixed tenure buildings who could be personally liable for work carried out in the common areas.

Due to these technical and financial implications I believe that a broad brush, legislative approach would not be appropriate. Instead, as the Scottish Fire and Rescue Service and the Fire Brigades Union Scotland suggested, localised and targeted retrofitting on the basis of individual risk assessments would be the best use of resources. In Scotland the proportion of fire fatalities that occur in high rise buildings is small and the monies required for retrofitting may be better deployed in areas of higher risk.

Despite the conclusion on retrofitting, I am satisfied that there is a strong case for installing automatic fire suppression systems into new-build social housing. On the basis of the consultation's overwhelming support, and the quality and depth of the responses, it is therefore my intention to proceed with this proposal and introduce legislation to Parliament as soon as possible.