

# **Briefing for the Citizen Participation and Public Petitions Committee on petition PE2058: Require all dog boarding kennels to install smoke detectors, smoke alarms and sprinkler systems**

## **Brief overview of issues raised by the petition**

- The petitioner is calling on the Scottish Parliament to urge the Scottish Government to improve fire safety within dog boarding kennels by mandating the installation of smoke detectors, smoke alarms and sprinkler systems. The petitioner describes an incident where a number of dogs died due to a fire at a boarding kennels, where the fire took place during the night and there were no smoke detectors or sprinkler system in place.

## **Regulation of animal boarding establishments**

- Animal boarding establishments (including dog kennels) in Scotland must be licensed by local authorities under the [Animal Boarding Establishments Act 1963](#) (the 1963 Act). The Act stipulates (section 1(3)) that:

“In determining whether to grant a licence for the keeping of a boarding establishment for animals by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—

[...] “(d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;”

- Local authorities set conditions for issuing animal boarding licences, which can include more detailed requirements for appropriate fire safety precautions. In 2011 [the Royal Environmental Health Institute of Scotland published guidance for local authorities on licensing conditions](#). A range of conditions are recommended in relation to fire precautions, including “It is advisable to have smoke detectors with regular checks being undertaken to ensure their effectiveness”.

## **General fire safety law and guidance for non-residential premises**

- The Fire (Scotland) Act 2005 creates legal duties for those who have control of non-residential premises (with some exceptions) to:
  - “carry out an assessment of the relevant premises for the purpose of identifying any risks to the safety of relevant persons in respect of harm caused by fire in the relevant premises”; and
  - “take in relation to the relevant premises such of the fire safety measures as in all the circumstances it is reasonable for a person in

his position to take to ensure the safety of relevant persons in respect of harm caused by fire in the relevant premises”.

- These duties are framed around ensuring the safety of ‘persons’. The legal system does not class non-human animals as ‘persons’.
- The [Scottish Government has published guidance \(updated February 2022\)](#) to assist those who have responsibility under the Fire (Scotland) Act 2005 for ensuring fire safety in non-residential relevant premises.

## Policy developments relevant to this area

- The Scottish Government [published a consultation in July 2023 on licensing activities involving animals](#) which in relation to animal boarding **proposes to repeal the 1963 Act and replace it with updated provisions**. The consultation does not reference fire safety explicitly as a concern. It states that part of the case for reform is that “no mandatory licence conditions are specified in the 1963 Act, leaving scope for a wide variation in licence conditions across local authorities”.
- The consultation states that the Scottish Government proposes to introduce new licensing requirements for animal boarding “that will be delivered through the same framework as used in the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021”.
- [The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021](#) replaced previous legislation covering pet sales and dog breeding, and introduced new licensing requirements for cat and rabbit breeders, animal welfare establishments (such as animal sanctuaries and rehoming centres) and other pet rehoming activities.
- Schedule 2 of the Regulations set out general licence conditions that apply to all licensable activities, and includes the following conditions on ‘emergencies’ with specific reference to fire risk:

“10.—(1) If animals are kept in premises, other than domestic premises, from which the licensable activity is carried on—

(a) a written emergency plan, acceptable to the licensing authority, must be in place, known and available to all the staff on the premises, and

(b) such a plan must be followed where necessary to ensure appropriate steps are taken to protect all animals on the premises (without risking human life) in case of fire, breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) Any such emergency plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) If animals are kept in premises from which the licensable activity is carried on, a designated key holder with access to all animal areas must at all times be within reasonable travel distance of those premises and available to attend in an emergency.”

- Whilst the licensing conditions in the Regulations themselves do not explicitly include a requirement for fire alarms or smoke detectors in licensed premises, [in December 2021 the Scottish Government issued guidance against these conditions stating:](#)

“Any buildings must have at least one working smoke detector (or other suitable fire detection system) installed in a suitable location on each separate level / floor of the property and there must be at least one carbon monoxide detector.”

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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](mailto:spice@parliament.scot)

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