



The Scottish Parliament
Pàrlamaid na h-Alba

LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

AGENDA

8th Meeting, 2020 (Session 5)

Wednesday 4 March 2020

The Committee will meet at 11.00 am in the James Clerk Maxwell Room (CR4).

1. **Decision on taking business in private:** The Committee will decide whether to take item 4 in private.
2. **Commissioner for Ethical Standards in Public Life in Scotland - Annual Report and Accounts 2018-19:** The Committee will take evidence from—

Caroline Anderson, Ethical Standards Commissioner, Ian Bruce, Public Appointments Manager, and Martin Campbell, Director of Investigations and Solicitor to the Commissioner, Commissioner for Ethical Standards in Public Life in Scotland.
3. **Public petitions: PE1719:** The Committee will consider the following petition-PE1719 by Rachel Gibson, on Review of fire safety stay-put policy.
4. **Commissioner for Ethical Standards in Public Life in Scotland - Annual Report and Accounts 2018-19:** The Committee will consider the evidence heard earlier in the meeting.

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The papers for this meeting are as follows—

Agenda item 2

Note by the Clerk

LGC/S5/20/8/1

PRIVATE PAPER

LGC/S5/20/8/2 (P)

Agenda item 3

Note by the Clerk

LGC/S5/20/8/3

Local Government and Communities Committee

8th Meeting (Session 5), Wednesday 4 March 2020

Commissioner for Ethical Standards in Public Life in Scotland

Introduction

1. This paper provides information about the Committee's evidence session with the Commissioner for Ethical Standards in Public Life in Scotland, or "Ethical Standards Commissioner" (as set out on the Commissioner's publicly available literature). During this session, the Committee has taken evidence from the Commissioner annually on their annual reports. The last session was on [6 February 2019](#).
2. The Commissioner's [Annual Report and Accounts 2018-19](#) was published on 29 October 2019.
3. The Commissioner also published [a draft Strategic Plan for 2020-2024](#) on 10 February 2020 and this is currently out for consultation until 6 March 2020. The Strategic Plan sets out the Commissioner's high-level objectives for the coming years of her term.

The Commissioner

4. The role of [Commissioner for Ethical Standards in Public Life in Scotland](#) was established on 1 July 2013 when the positions of Public Standards Commissioner and Public Appointments Commissioner were amalgamated. Under the legislation, Commissioners are appointed for a single five-year term. The current Commissioner, Caroline Anderson FCA took office in 2019 and this is her first appearance before the Committee. The Commissioner is a Scottish Parliamentary Corporate Body appointment and her office is funded by the SPCB.
5. The [Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#) established a framework to seek to ensure that figures in public life maintain high standards of behaviour. These include councillors, members of devolved public bodies and MSPs. The aim was to establish clear standards for all councillors and a transparent system for the investigation and consideration of alleged breaches.
6. The Act provides for codes of conduct to be introduced for councillors and members of certain public bodies (set out in [Schedule 3](#)). It also established the role of Chief Investigating Officer, to investigate complaints about non-compliance, now carried out by the Commissioner herself. The Act also established the Standards Commission for Scotland, which oversees the standards framework and investigates breaches of the codes.
7. The Commissioner's remit includes the MSPs' code of conduct and the public appointments process. These aspects of her role fall within the remit of the Standards, Procedures and Public Appointments Committee, which heard from the Commissioner at its meeting on 27 February 2020. The Official Report of this

meeting is due to be published by close on 3 March 2020. The Commissioner published her [Annual Report on Public Appointments on 22 November 2019](#).

Next Steps

8. The evidence session is an opportunity for the Committee to question the Commissioner on relevant aspects of her remit over the last year, which will stand on the public record. The Committee will have the opportunity to consider any further action it may wish to take immediately following the evidence session and in future work programme discussions.

Local Government and Communities Committee

1st Meeting, 2020 (Session 5), Wednesday 8 January 2019

PE01719: Review of fire safety stay-put policy

Note by the Clerk

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to review the current 'stay-put' policy as it applies to the fire strategy for existing multi-storey residential buildings.

Petitioner Rachel Gibson on behalf of tenants of Cartcraigs Road, Glasgow

Webpage www.parliament.scot/GettingInvolved/Petitions/stayputpolicy

Public Petitions Committee consideration of petition 1719

1. This petition was lodged on 8 May 2019. On [30 May 2019](#), the Public Petitions Committee agreed to write to the Scottish Government, COSLA, the Scottish Federation of Housing Associations, the Scottish Fire and Rescue Service and the National Fire Chiefs Council seeking their views on the petition. Responses received are available via the webpage link above and further reference to some of the responses received is briefly set out below.
2. On [21 November 2019](#), the Public Petitions Committee further considered the petition and agreed to refer the petition to the Local Government and Communities Committee under Rule 15.6.2 of Standing Orders. At the meeting, the Committee noted that responses from the Scottish Federation of Housing Associations, the National Fire Chiefs Council (NFCC) and the Scottish Fire and Rescue Service (SFRS) all confirmed that stay put is the preferred national approach, adhered to by all United Kingdom fire and rescue services, and drives consistency of evacuation strategy practices in the UK. The Scottish Government response to that Committee stated that evacuation policy was an operational matter for the SFRS.
3. The Committee further noted the petitioner's submission in response to this correspondence that measures to enhance safety in the event of a high-rise fire advocated by the NFCC in its written submission were not in force in her own building. She said there were no smoke control provisions in escape routes and that there had been no increased communication with residents on evacuation strategy. She said she had received advice from Glasgow Housing Association that refurbishment to her building did not qualify the building for evacuation sound alerts.

Reference to Local Government Committee

4. The Public Petitions Committee agreed at the 21 November meeting to refer petition 1719 to this Committee on the ground that it raised a matter of public interest and concern, in the wake of the Grenfell tragedy, that this Committee

would have the option to pursue further take up as part of its post-inquiry work into building standards and fire safety. This was a reference to the Local Government and Communities Committee [inquiry into building regulations and fire safety](#), resulting in a report in October 2017. This Committee thereafter agreed to maintain a “watching brief” on this issue over the remainder of this session, on the ground that policy was continuing to evolve in light of lessons learned from the tragedy, with the Scottish Government having set up various reviews of aspects of fire safety, and undertaken to respond to them once they had reported.

5. Until receiving this petition, stay put policy had not been a strand of this Committee’s inquiry work in relation to fire safety. Instead the focus had been on ensuring the safety of building fabric rather than fire evacuation measures.

Consideration of petition 1719 by Local Government Committee: Scottish Government position

6. This Committee first considered this petition on 8 January 2020. It accepted a recommendation from the clerk that it add issues raised in the petition to the list of matters to be raised in an already arranged evidence session with the Minister for Local Government Housing and Planning and officials on 22 January. The main purpose of that meeting was to receive an update from the Minister on post-Grenfell fire safety policy for buildings, as part of the Committee’s post-inquiry “watching brief” work.

7. [At the 22 January meeting](#), the Minister and officials clarified that the SFRS continues to advocate stay put as the preferred policy for fires in high-rise domestic properties, at least until compartmentalisation¹ is breached, at which point other approaches might be pursued. In other types of buildings such as schools, evacuation might be the preferred policy. The Minister commented:

“I know that we saw something different in the tragedy at Grenfell. However, as we move forward, we will get to grips with and realise exactly what the circumstances and the difficulties were there, compared with what the standards have been here in Scotland.”

8. [The Stage 1 Report of the Grenfell Tower inquiry](#) recommended retention of stay put as a general policy, but highlighted the importance of having alternative strategies available:

“Effective compartmentation is likely to remain at the heart of fire safety strategy and will probably continue to provide a safe basis for responding to the vast majority of fires in high-rise buildings. However, in the case of some high-rise buildings it will be necessary for building owners and fire and rescue services to provide a greater range of responses, including full or partial evacuation. Appropriate steps must therefore be taken to enable alternative evacuation strategies to be implemented effectively.”

¹ Compartmentalisation is the building standards principle that individual properties within apartment buildings should be designed in such a way as to minimise the risk of fire breaking out in one flat spreading to any adjacent flat within the building.

9. The Report also recommended that Fire Brigades develop policies "...for managing a transition from "stay put" to "get out"; where this is deemed necessary. The Minister was invited at the 22 January meeting to respond to these recommendations. He replied that:

"The National Fire Chiefs Council is working with the UK Ministry of Housing, Communities and Local Government to formulate a research programme on the stay-put policy. The Scottish Fire and Rescue Service is sighted on that work through its participation in the NFCC's workstreams, which is the norm. The Scottish Government will keep abreast of all that research, so that we can quickly consider and act on any learning that comes from the on-going examination of the stay-put policy."

10. The Minister also undertook to clarify who has operational control over guidance on fire safety issued to residents of high-rises. The response since received from the Scottish Government (Annexe A²) confirms that the SFRS is responsible for the guidance, which was published in December 2019, and goes on to provide further information about practical aspects of the policy. The response also refers to "the Government's newly-formed Stay Put technical steering group, which met for the first time on the 18th of December 2019. The group will oversee research on means of escape from a design, management and operational perspective. The SFRS is sighted on this work through their participation in various NFCC workstreams."
11. Alongside the information specifically on stay put set out in Annexe A below, the Scottish Government also provided, in its follow-up to the 22 January meeting, a more general overview of all action undertaken at governmental level following the Grenfell fire, including information on the rollout of the guidance for high-rise residence and information on measures to be taken to enable more effective evacuation of newbuild high-rise buildings (e.g. a requirement to install evacuation sounders). This information, part of which the petitioner refers to her in her most recent submission (see below) is [available via this link](#), at annexe D of the bundle of evidence provided by the Scottish Government.

Petitioner response

12. The petitioner was given the opportunity to respond to the information provided by the Scottish Government during and after the 22 January meeting. This is set out in Annexe B below. Her submission queries the fairness of making some post-Grenfell safety requirements (e.g. evacuation sounders) apply only to newbuilds. It suggests the introduction of "a codified evacuation strategy, which would come into effect in the event of compartmentation being breached". It also suggests that there should be academic research into the stay put policy.

² NB: it appeared as "Annexe E" in the bundle of documents (see hyperlink in paragraph 11) sent by the Scottish Government but for present purposes is re-labelled Annexe A" as it is the first annexe to this paper.

Next steps

13. Under Standing Orders, the Committee may take such action as it considers appropriate in relation to any petition. This may include—
- (a) referring the petition to the Scottish Ministers, any other committee of the Parliament or any other person or body for them to take such action as they consider appropriate;
 - (b) reporting to the Parliamentary Bureau or to the Parliament;
 - (c) taking any other action which the Committee considers appropriate; or
 - (d) closing the petition.
14. If a petition is closed, the petitioner must be notified of the reasons for this. It is good practice for the Committee to agree in its public discussion of any petition it intends to close, the reason(s) why it is being closed. Options open to the Committee in relation to this petition include—
- a. Keeping the petition open and seeking oral or written evidence from the SFRS on matters relevant to the petition. (The Minister in his follow-up cover letter to the Committee from the 22 January session suggested that this is something the Committee might wish to consider if it decided to keep the petition open.). Matters the SFRS could provide further evidence on might include:
 - i. whether it agrees with the petitioner that there should be academic research into stay put;
 - ii. whether it agrees with the petitioner that post-Grenfell requirements in relation to matters such as signage and evacuation sounders should apply, wherever possible, to all high-rises and not just newbuilds;
 - iii. what work it is doing to roll out the December 2019 guidance and ensure that residents, owners and housing associations are aware of it;
 - iv. clarification on how it is responding to the Grenfell Stage 1 report recommendation that “in the case of some high-rise buildings it will be necessary for building owners and fire and rescue services to provide a greater range of responses, including full or partial evacuation.”
 - b. Keeping the petition open and undertaking some other action;
 - c. Closing the petition on the ground that the Grenfell Inquiry did not recommend changing stay put as a general policy; that revised stay put guidance has recently been issued; and that the National Fire Chiefs Council is working with the UK Ministry of Housing, Communities and

Local Government to formulate a research programme on the stay-put policy, and that the SFRS is sighted on this work.

15. In determining whether to close the petition, the Committee may also wish to note comments from the Convener of the Public Petitions Committee, during the Committee's 21 November 2019 consideration of the petition, that inasmuch as the petition raised specific concerns about fire safety measures in the petitioner's high-rise, "she has the option of going to a local MSP to ensure that questions about her specific area are raised with the Glasgow Housing Association...".

ANNEXE A

STAY PUT GUIDANCE**Background**

During the Local Government and Communities Committee session, questions were asked around guidance to residents of high-rise buildings and in particular regarding stay-put.

The Convener: *Who has control over the guidance? Is it the Government or the Fire and Rescue Service?*

The Convener: *Yes. I am referring to the stay-put guidance. Would that be under the control of the SFRS?*

Kevin Stewart: *We will need to get back to you on that. That would come under the operational jurisdiction of the SFRS. I see Ms Ewing nodding, so perhaps I am right. I would say that that is an operational point. As I said to Mr Stewart, we are, together with others, examining research on stay-put, but I would rather that you got a more robust answer on that from the SFRS, rather than having me going off on one that might not be quite right.*

The Convener: *I appreciate that.*

Update

The Scottish Government published “Practical Fire Safety Guidance for Existing High Risk Domestic Buildings” in December 2019, however it is important to stress the “stay put policy” is a principle of building design, which underpins the development of fire safety and Fire Service operational policy for high rise buildings. Most high rise domestic buildings are built with the principle of ‘stay put’ in mind. This means that flats will be designed to resist the spread of fire with features such as fire resistant doors, floors and walls and self-closing devices. Because of this, a fire is not likely to spread from one flat to another.

Stay Put’ is the following approach:

- When a fire occurs within a flat, the occupants alert others in the flat, make their way out of the building and summon SFRS.
- If a fire starts in the common areas, anyone in these areas makes their way out of the building and summons SFRS.
- All other people in the building not directly affected by the fire would be expected to ‘stay put’ and remain in their flat unless directed to leave by SFRS or the Police.
- Any person not directly affected by fire or smoke can leave the building if they wish, although doing so could place them at greater risk.
- Occupants evacuating a flat where there is fire can alert their neighbours so that they can evacuate if they feel threatened.

SFRS will give initial advice over the phone to residents who dial 999. Upon arrival, firefighters will take control of the incident and may advise further, as necessary. There may be fires where, for operational reasons, SFRS decides that a partial or total evacuation of a high rise is necessary. These uncommon situations include where a fire spreads beyond the flat of origin as a result of failings in the construction. More modern high rise domestic buildings may have an evacuation alert system for SFRS use, to allow them to instigate the evacuation of a floor, multiple floors or an entire building. (This was introduced on 1 October 2019 in the Scottish Domestic Technical Handbook).

The stay put approach has been in place for many years and, although fires in flats unfortunately occur virtually every day across the UK, the fire usually only affects the room or flat of origin. It is unusual for fires in individual flats to spread beyond the room of fire origin, and very rare for those to spread beyond the compartment (i.e. beyond the flat of origin).

Implementation of fire safety policies and procedures are an operational matter for the SFRS. The 'Stay Put' approach is supported by the SFRS and is in line with the UK wide National Fire Chiefs Council (NFCC) advice which is regularly reviewed.

The NFCC has a key role on the Government's newly-formed Stay Put technical steering group, which met for the first on the 18th of December 2019. The group will oversee research on means of escape from a design, management and operational perspective. The SFRS is sighted on this work through their participation in various NFCC workstreams. The Scottish Government is keeping fully abreast of this research to be able to quickly consider and act on any learning as part of the ongoing examination of stay put.

ANNEXE B

EVIDENCE FROM PETITIONER IN RESPONSE TO INFORMATION PROVIDED BY SCOTTISH GOVERNMENT ABOUT STAY PUT POLICY AND RELATED ISSUES

Public Petition PE1719 – Supplementary

The following ‘explanation’ is given for evacuation alerts not being fitted to existing high rises (Kevin Stewart, Annex D, p22),

Scottish Government introduced new regulations on 1 October 2019 requiring evacuation sounders and dwelling indicator signs in all new high-rise buildings. However, building standards are not retrospective and provision has not been made for implementing this in existing buildings. To introduce such requirements into existing high rise buildings would require new legislation and consideration of the feasibility of so doing, both in terms of scale and practicalities round installation

It is in the Scottish Government’s gift to make or amend any legislation necessary. The decision to exclude existing buildings is, therefore, a deliberate choice and given that no alternative has been offered this remains an outstanding issue of equality. One solution would be a codified evacuation strategy, which would come into effect in the event of compartmentation being breached and rendering the stay-put policy unviable.

The National Fire Chiefs Council stated in their submission to the Petitions Committee that they would agree to academic research into the stay-put policy. If the research referred to in Annex E³ is along those lines (rather than just a political manoeuvre to sidestep the recommendations of the no-doubt-very-expensive-paid-for-out-of-public-money Grenfell Inquiry) and otherwise independent of the fire services (who did make a serious error but remain defensive, for instance, the Scottish Fire Chief expressed outrage at the Grenfell Inquiry’s criticisms of the London fire services, hardly objective) then this would be satisfactory grounds on which to close the petition

Of course, it would be for the committee to decide whether it should do so or whether to hold on to the petition until the outcome of the research is known. The Petition Committee has already advised that the petition could be brought back after one years’ time if required.

Rachel Gibson

On behalf of tenants, Cartcraigs Rd, Glasgow G33 1AA

³ Note by the clerk: the reference to “Annexe E” is to the paper -relabelled “Annexe A” to this paper