

# **COMMUNITIES COMMITTEE**

Wednesday 10 March 2004  
(*Morning*)

Session 2

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## COMMUNITIES COMMITTEE

† 11<sup>th</sup> Meeting 2004, Session 2

### CONVENER

\*Johann Lamont (Glasgow Pollok) (Lab)

### DEPUTY CONVENER

\*Donald Gorrie (Central Scotland) (LD)

### COMMITTEE MEMBERS

\*Scott Barrie (Dunfermline West) (Lab)  
\*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)  
\*Patrick Harvie (Glasgow) (Green)  
Campbell Martin (West of Scotland) (SNP)  
\*Mary Scanlon (Highlands and Islands) (Con)  
Elaine Smith (Coatbridge and Chryston) (Lab)  
\*Stewart Stevenson (Banff and Buchan) (SNP)

### COMMITTEE SUBSTITUTES

Shiona Baird (North East Scotland) (Green)  
Christine May (Central Fife) (Lab)  
Shona Robison (Dundee East) (SNP)  
Mike Rumbles (West Aberdeenshire and Kincardine) (LD)  
John Scott (Ayr) (Con)

\*attended

### THE FOLLOWING GAVE EVIDENCE:

Michael Bitcon (Fife Fire and Rescue Service)  
Gary Black (Scottish Association of Building Standards Managers)  
John Blackwood (Scottish Association of Landlords)  
David Bookbinder (Scottish Federation of Housing Associations)  
Glyn Evans (Fire Brigades Union)  
Sandy Lorimer (Scottish Association of Building Standards Managers)  
Alistair McDonald (Bield Housing Association)  
Kenny Moran (Fife Fire and Rescue Service)

### CLERK TO THE COMMITTEE

Steve Farrell

### SENIOR ASSISTANT CLERK

Gerry McNally

### ASSISTANT CLERK

Jenny Goldsmith

### LOCATION

The Chamber

† 9<sup>th</sup> and 10<sup>th</sup> Meetings 2004, Session 2—held in private.



## Scottish Parliament Communities Committee

*Wednesday 10 March 2004*

*(Morning)*

[THE CONVENER *opened the meeting at 10:02*]

### Item in Private

**The Convener (Johann Lamont):** Welcome to this meeting of the Communities Committee. Elaine Smith offers her apologies for being unable to attend today's meeting.

Item 1 is to decide whether to take in private item 4, on the budget process 2005-06. Members will see that the item is an approach paper, which we have the option of taking in private, but we might take the view that that is not necessary, given that the paper just outlines some brief points on our approach to the budget. Are there any views? Are we content not to meet in private for that item?

**Stewart Stevenson (Banff and Buchan) (SNP):** I am content not to meet in private, because in this case there is no need.

**The Convener:** Is that agreed?

**Members** *indicated agreement.*

## Antisocial Behaviour etc (Scotland) Bill

10:03

**The Convener:** Item 2 concerns the Antisocial Behaviour etc (Scotland) Bill. I thought that it was appropriate to raise this item briefly before we get into the main part of our business this morning.

Members may be aware that we published our report on the bill on Friday, after a great deal of hard work across the committee, so it is very much to be regretted and deprecated that the report was leaked the day before to at least one newspaper, and leaked in a way that entirely misrepresented the findings of the committee.

I raised the matter with the Presiding Officer as a point of order in the chamber. My major concern was that there was an attempt to skew the debate. If someone had simply put into the public domain what the committee had found, that would be one thing, but to try to shape the discussion around the report by saying that it says things that it does not say creates a broader problem for committees in having their voice heard in such debates.

I have asked the clerks what procedures or options are open to us on this matter. Steve Farrell will outline what is available to the committee.

**Steve Farrell (Clerk):** Essentially, the committee must have evidence that there was a leak of the report. Members might want to take a view on whether that was the case, given the material that was produced in the press. The other issue is for members to try to identify the member who leaked the information. That part of the process might be more difficult. If the committee can identify a member who leaked the information, the committee can complain to the standards commissioner, who will then investigate the complaint. However, the commissioner cannot investigate a complaint if we cannot identify a member, unless instructed to do so by the Standards Committee, which is another route that the committee can consider if it cannot identify a member.

It might be worth while for me to prepare a paper for the committee to consider at the next meeting, if the committee agrees.

**The Convener:** Are there any comments?

**Stewart Stevenson:** I have been here before. I suspect that, as in the past, we will not end up with evidence of any material weight. Certainly, the detail in the newspaper report to which you referred is highly suggestive of the fact that it was drawn from our report, because it was specific in certain regards.

Like you, I regret that such a disclosure was made and I will give my reasons why. It is tempting for individual members to disclose to their own advantage but, for Opposition members in particular, that runs counter to what is advantageous in the long term, because once the Opposition takes its advantage in doing that sort of thing, it licenses Executive members to do it, and they are in greater numbers and will always find it easier to set the agenda if they wish to do so.

At the end of the day, it is clear to me that it is not advantageous to anyone ever to release something that we have agreed is embargoed. It prejudices our ability to do our work and, in our private sessions, to be honest with each other about our views, to make the necessary compromises, to see what scope there is to reach agreement, and to flush out the areas where agreement genuinely is not possible.

Like others, I was contacted by journalists who asked me about the contents of the report. That happens every time there is a report of any interest. My tactics in dealing with that are simply to say, "You ought to be able to do your preliminary work by examining the evidence that the committee has considered and by reading the *Official Report*, and not by referring to the content of the report, because that is not proper." It might be useful for us to consider asking the Standards Committee whether it is time to produce more detailed guidance for committee members on how to deal with the press and with the period between the completion of a report and its publication, because people might benefit from that. I direct that remark not at anyone in this committee, but at all members of the Parliament.

At the end of the day, I suspect that if we expend effort on this matter, it probably will not lead anywhere, although I am not advocating that we do not expend effort if other members feel that we should do so. Like the convener, I regret that the leak happened, because it is not helpful. We will have an excellent debate this afternoon, which will be a bit shorter than we planned. That is the place for us to rehearse the arguments for the different positions that we hold.

**Scott Barrie (Dunfermline West) (Lab):** I agree with most of what Stewart Stevenson has said. The leaking of reports seems to be happening with monotonous regularity. It has happened not only to this committee but to other committees in this session of Parliament and in the previous session. Like Stewart Stevenson, this is not the first committee on which I have served in which the situation has arisen.

We need to put down a marker, because almost every time there is a contentious stage 1 report we read about it in the press before the public gets the opportunity to read the full report. Clearly, that

is not how things should be. We must also be careful about what we say. There is a difference between people making an intelligent guess about what a report will say—based on what people said in public session—and some of the detail that has been contained in reports on leaks in the past and on this occasion.

To anyone reading the article that appeared in the press last Thursday, it is pretty clear that the information probably came from someone on this committee, because it was pretty detailed. The way in which votes were taken or who is likely to have dissented could not necessarily have been known in advance, so we all need to look to ourselves as individuals. I hope that we can put down some sort of marker, otherwise the issue will continue like a running sore, perhaps not in this committee, but certainly in other committees. If the clerk prepares a paper so that we can make a decision at our next meeting, that will be a good way forward.

**Mary Scanlon (Highlands and Islands) (Con):** Even if there is little chance of succeeding in finding the culprit who leaked the information, I do not think that that is reason enough not to go forward. The convener has put out a strong signal that to leak information is against the procedures of the Parliament. I welcome what Stewart Stevenson said and I agree that a bit more guidance might be helpful to both old and new members. However, I do not think that there is any reason to do nothing. We have a new commissioner for standards and, as such events are happening with monotonous regularity, the more investigations he carries out and the more experience he has, the closer he will get to finding the culprit.

The day must come when this Parliament takes disciplinary action, such as barring members from asking questions or barring them from the chamber. That has to happen once to change a situation in which leaks occur with such regularity. I would support a measure by which we can send out a clear signal that such behaviour is not acceptable.

**The Convener:** The code of conduct is quite clear about how we should carry out our business. On reading the report, my impression was that it was not naive chuntering; it was not as if somebody had been over-zealous in blethering to a journalist. There were two things that particularly annoyed me. One was that the report contained heavy criticism of the Executive. Well, part of our job is to reflect the criticisms that come to us in evidence, but that does not mean that we endorse such criticism, and the report wilfully misrepresented the role of the committee in that regard.

The second thing that annoyed me was that the

report suggested that some members voted in committee not on the basis of what they thought or believed. That is tiresome; as Scott Barrie said, it is a running sore. The implication is that people can dismiss some things that happen because members do things because they are forced to or are somehow driven to do them. That is disrespectful to committee members who make a judgment in whatever way when they vote. The article deliberately tried to undermine the committee's report by impugning some committee members' motives when they voted. That is very much to be regretted.

It would be helpful if we had a brief paper to talk to. I am not sure whether we are capable of identifying the person ourselves and naming names, but there might be a process whereby we can go through the case in committee before we go to the Standards Committee. If that is agreed, we can deal with the issue at our next meeting. Is that agreed?

**Members** *indicated agreement.*

## **Fire Sprinklers in Residential Premises (Scotland) Bill: Stage 1**

10:14

**The Convener:** We move to item 3 on the agenda, on the Fire Sprinklers in Residential Premises (Scotland) Bill. I welcome the witnesses on our first panel: John Blackwood, the secretary of the Scottish Association of Landlords; David Bookbinder, the policy and practice co-ordinator of the Scottish Federation of Housing Associations; Alister McDonald, the deputy chief executive of Bield Housing Association; and Sandy Lorimer and Gary Black, the team leader and building control manager respectively of the Scottish Association of Building Standards Managers.

I thank all our witnesses for coming along today. As usual, we shall ask a number of questions and witnesses should just chip in if they feel that they have something to contribute. At the end of the session, if there are points that you feel you have not been able to make, we will be more than happy to hear from you then.

I shall kick off by asking the organisations represented whether they support the general principles of the bill. If you do support its principles, could you tell us why? If you do not, could you tell us why not?

**John Blackwood (Scottish Association of Landlords):** We support the principle that properties should be made safer. The Scottish Association of Landlords believes that every landlord has a duty to do that. However, the bill does not take every situation into account. The bill would affect all properties that have been licensed as houses in multiple occupation, so it does not take into account the wide range of fire risks in large HMOs and small HMOs. Technically, licensed HMOs are probably among the safest properties that exist.

We also believe that some properties within the HMO category not only would benefit from fire sprinklers but need them. However, there is a greater debate behind that issue.

**David Bookbinder (Scottish Federation of Housing Associations):** The SFHA also considers that safety is of primary importance, especially where vulnerable people are concerned. However, the arguments for requiring the installation of sprinklers specifically in HMOs and sheltered housing are not convincing given the existing statistics and research. The recent Building Research Establishment study, which was published last month, suggests that there is a case for requiring fire sprinklers in care homes and

large multistoreys but not necessarily in other types of building.

In the longer term, if further research backs the reliability and effectiveness of fire sprinklers, one could see an argument for requiring their installation in different types of new-build housing, such as care homes and nursing homes as well as sheltered housing. That could be provided for under the building regulations in the longer term. The argument about whether sprinklers should be required to be installed in HMOs is much more immediate, because the bill would require their installation in all existing HMOs. That would have altogether different implications. As the committee will know, very rigorous standards are now applied to HMOs under the mandatory licensing scheme.

Like the Scottish Association of Landlords, we believe that the current flexibility that fire officers have is important. In certain types of HMO, fire officers will suggest that a sprinkler is the best method. We would prefer that flexibility for HMOs to be preserved than to legislate for a statutory obligation to require all HMOs to be retrofitted with sprinkler systems.

**Alister McDonald (Bield Housing Association):** I have nothing to add to David Bookbinder's comments.

**Gary Black (Scottish Association of Building Standards Managers):** In general, the Scottish Association of Building Standards Managers supports the extension of the use of fire sprinkler systems as an additional measure to protect life and to reduce property damage. However, we are concerned that the bill might not be the best tool to enable that to happen.

Perhaps the existing framework under the Building (Scotland) Act 2003 and its associated regulations would be a more appropriate place for drawing that line in the sand, by improving upon the existing regulatory system for local authorities that has been set up to cope with applications. Such an approach would also enable amendments to be made in the future so that, while catering for the essence of the bill, the regulations could be expanded to include other types of building, such as those for more vulnerable sectors of society.

**Sandy Lorimer (Scottish Association of Building Standards Managers):** As building control officers, we are seen as the guardians of health and safety within buildings. If the bill were to be enacted in its current form, our position might be compromised in the sense that, because much of that retro work would not necessarily be the subject of a warrant, we would not have any involvement in it. As such, although we see a lot of good in the proposals, we see the bill as the wrong vehicle for carrying them out.

**The Convener:** Will you comment on the level

of consultation that took place during the development of the bill? Was the consultation carried out reasonably well, or could it have been improved? Were your organisations properly consulted?

**John Blackwood:** It is perhaps unfair for the SAL to comment on that because we only came into existence at the time when the consultation was issued. We were certainly not contacted, but I do not think that that is the fault of the member in charge of the bill. Since then, we have taken the time to meet Michael Matheson to discuss the issues with him one to one. I hope that we will be able to comment on that later.

**David Bookbinder:** On behalf of the SFHA, I have to hold up my hand and say that, although we were consulted during the first consultation two or three years ago, when a wide range of options was under consideration, we were unfortunately unable to prioritise our work to respond at the time. However, as John Blackwood has said on the SAL's behalf, we met Michael Matheson recently and found that helpful and constructive.

**Mary Scanlon:** We have received evidence and submissions from various groups, including the City of Edinburgh Council, which argued that decisions to require the installation of sprinklers should be made on a case-by-case basis following a risk assessment. The council asserts:

"The bill is indiscriminate with regard to the type of building, and would require a sprinkler system in types of property which present the lowest possible risk, e.g. 2 storey houses or ground floor main door flats. The premises which are exempted on the grounds of being a hostel for homeless people, a women's refuge or an employee residence may well have characteristics ... which indicate a much higher risk".

Do you support the assertion of the City of Edinburgh Council that the decisions should be made individually, on a case-by-case basis, following a risk assessment?

**Alister McDonald:** We would support that view. Essentially, that reflects the findings of the Building Research Establishment report, which has been published in the past three weeks. That research has been under way for about two and a half years. It is serious and effective research, and its findings—to reiterate what David Bookbinder said—are that sprinklers would be effective in care homes and multistorey flats and that, in other circumstances, there should be case-by-case assessment. That third category is precisely what the City of Edinburgh Council is highlighting. We and the SFHA would support legislation based on factual evidence.

**Mary Scanlon:** Do you feel that not enough was done in consultation to prove that point? Do you think that the bill is aimed at those who are at the lowest risk?

**Alister McDonald:** I think that the bill would have benefited from waiting for the outcome of that research, which was on the go when the bill was introduced some time ago.

**John Blackwood:** I agree with that. Much of the evidence that we have provided to the committee is based on consultation with the City of Edinburgh Council, so I am well aware of the council's argument. It makes a valid point. As I have outlined in our written evidence, a three-bedroom ground-floor flat with a front and a back door would have the same requirement for a fire sprinkler system as a double-upper on a third and fourth floor, but surely there is a huge difference in the fire risk that is posed to those two properties.

Under the current licensing system for HMOs, the local authority, in conjunction with the fire service, determines that there is such a difference. In considering such licences, landlords are in agreement that there is a difference in the fire risk, and fire sprinkler systems—in some cases, mist sprinkler systems—have been installed. We have not had any problems with them. The present system is the right way to determine the issue.

**Mary Scanlon:** Do you think that the criteria for risk assessment are not reflected accurately in the bill?

**John Blackwood:** Yes; they are not accurately reflected in the bill.

**Mary Scanlon:** Do Gary Black and Sandy Lorimer agree with that?

**Sandy Lorimer:** We agree with that.

**Stewart Stevenson:** In reading the research that has been undertaken, including the BRE paper that has just been referred to, the considerable work that has been done through the Office of the Deputy Prime Minister and the work that the National Assembly for Wales has done, I have arrived at a rather mixed view. The piece of research with which I feel most comfortable—and I invite you to explain why I should not be comfortable with it—is that which Mr Matheson has provided concerning the 15 years' experience in Scottsdale, Arizona, where the change in building regulations has increased the number of houses that have sprinklers to more than half. There have been no deaths in the houses that have sprinklers but there has been a continuing pattern of deaths in those that do not have sprinklers.

I have a report from the ODPM from 1997, which suggests that deprived family households would benefit. I wonder to what extent the conclusions that are being reached in various reports are driven more by the numbers than by the technology. Are the numbers complete? For example, it has been suggested that, if a fire

sprinkler system were to be present, other constraints that are currently in place—making rooms bigger, shutting doors, fitting fire doors—might not be required and concomitant savings would be made. That has not been adequately addressed when the overall financial impact of putting sprinkler systems in various types of premises has been considered.

That is a fairly open and general question, so it might be useful to focus on the Scottsdale, Arizona experience, which is referred to in the policy memorandum. Why should that evidence be dismissed in favour of the evidence that has come out in the past few weeks? How do we draw the same conclusion from what appear to be two different reports? Perhaps Mr Blackwood could answer first.

**John Blackwood:** I take the point that, if a fire sprinkler system were in place, one might not need to install special fire doors or whatever. However, that would mean a dramatic change to the current HMO licensing regime. There is a fundamental principle involved that it is far better to prevent fires and to deal with them in the early stages of detection than to wait for a fire sprinkler system to kick in. There is an argument for focusing attention on detection and measurement systems and preventive measures as opposed to on fire sprinkler systems. However, the fire service and some local authorities might be better placed to comment on that than we are. The argument is not clear-cut.

My main concern about the bill is that, if it focuses on anything, it focuses on HMO licensed properties and sheltered accommodation. By definition, with the recent licensing regimes for both those sectors of accommodation, one could argue that they are among the safest. There are loads of other types of accommodation and tenure out there that could benefit more from the provisions of the Fire Sprinklers in Residential Premises (Scotland) Bill than will HMO licensed properties, but that is more of a technical issue.

**Stewart Stevenson:** Do you accept that, although it is undoubted that those types of building have been subject to the most scrutiny and are rigorously licensed—all of which is good news—the fire services would say that the risk arises from the people who stay in the buildings and that the elderly, who are less mobile and who might be confused, and the socially and intellectually disadvantaged are at a substantially higher risk of creating a fire? Do you accept that it is the nature of the people who live in accommodation that perhaps leads the bill in a particular direction? Is that a legitimate point in response to what you have just said?

**John Blackwood:** With due respect, many people who live in HMO accommodation are not

disadvantaged in any of the ways that you suggest. They are a mobile and intelligent community who are looking for short-term accommodation on at least a six-monthly basis. They are a migrant population, especially in many of the big cities in Scotland, so yours was not a fair comment on all occupants of HMO properties; you would find the reality to be very different. However, I take the point that elderly people and those with certain disadvantages are at more of a disadvantage in general.

**Stewart Stevenson:** Are you qualifying what the fire service says when it suggests that people in those categories are 10 times more likely to be involved in a fire?

**John Blackwood:** I accept the point that more vulnerable people are more likely to be involved in a fire, but it is not fair to tar all HMO properties with the same brush. That is an unfair way of considering HMO accommodation, which does not take into consideration the whole gamut. We are talking about three-bedroom properties that could be occupied by three professionals and you are comparing those to a large HMO that could house homeless people or be comprised of bed-sits.

There is a huge difference between those two types of accommodation, but there is nothing in the bill that differentiates them. When I spoke to Michael Matheson, he accepted that point. If the bill is to go further, perhaps the Communities Committee could consider a way of introducing a threshold or a determination of greater or lower risk, which might not require fire sprinkler systems to be installed. That is something that we discussed last week as a possibility that Michael Matheson would certainly consider.

10:30

**Stewart Stevenson:** Therefore, do you suggest that a minimum occupation level—a dozen or more, to give an arbitrary example—would be one criterion that might be worth considering?

**John Blackwood:** I certainly think that that is worth considering. The overall principle is that sprinklers are useful in certain types of accommodation and I do not think that many people would argue with that. Local authorities are already insisting that sprinklers are installed in certain HMOs and we do not have an argument with that. The argument is about whether they should be installed in all HMOs, which is a different argument altogether.

**Stewart Stevenson:** Does any other witness want to supplement what Mr Blackwood has said?

**Gary Black:** In general, we pretty much support and agree with what has been said. I refer back to one of the initial points that you raised about greater flexibility in using sprinklers. As far as the

Scottish Association of Building Standards Managers is concerned, it is certainly the case that, if you want to use innovative design, you can have large open spaces. The only problem with that is that HMOs would not generally fall under such design criteria, as such buildings try to make maximum use of space.

Linked to that is the important fact that sprinkler systems are predominantly building preservation systems, although later developments have shown that they can also save lives. When considering the figures, you must remember that the majority of fatalities are single occupiers of a building, quite often in their mid to late 40s. If they were in the room where the fire started, they would have more chance of being roused by an early warning detector than by a sprinkler, because a fire would have to be very well established before the sprinkler was actuated. If they went into another room and the door was shut, there would be a good chance that the sprinkler system could suppress the fire.

**Stewart Stevenson:** I would like clarification on what you said about bigger open spaces. It appears that one of the issues that arise in care homes is that, for fire purposes, individual residents are advised to shut their doors at night, although their preference is to keep them open. In terms of building control and design, would the presence of a fire sprinkler system make it safe for doors to be left open if other appropriate design measures had been taken?

**Gary Black:** I would not have thought so. The doors must be closed to prevent fires from spreading.

**Sandy Lorimer:** There is a slight misconception about that. It is widely assumed that, if you put sprinklers in, you can do away with other things. I see sprinklers as an additional tool to combat fire rather than being something that is installed instead of something else. Existing fire precautions have been well tried and tested and work very effectively. Sprinklers are additional to that, and that is why we support the bill.

You mentioned the town in Arizona where there is a sprinkler in every home. In an ideal world, such an approach would be possible, and I would wholly support it. In the real world, however, it is highly unlikely that we will ever achieve that. If we did, I would be perfectly satisfied that the number of fire deaths would be reduced. The question for us is whether the bill as framed is aiming at the most vulnerable and whether it is possible to implement it within the guidelines that are laid down. Retrofitting is likely to cause the greatest problems.

**Donald Gorrie (Central Scotland) (LD):** I would like to focus on sheltered housing. The bill would

compel new-build sheltered housing properties, but not existing ones, to have sprinklers. The Scottish Federation of Housing Association's written evidence highlights the issue about the definition of sheltered housing. It also points out that a lot of properties in that sphere are "ordinary houses" that have been adapted, rather than new-build houses. Are the bill's provisions on sheltered housing the right ones? If not, how could they be improved?

**Alister McDonald:** The bill does not get such provisions right, because its definition of sheltered housing does not follow building regulations. As my colleagues will confirm, sheltered housing is not a defined category within building regulations. Generally, a new sheltered housing development would be classified as a dwelling, which would therefore have to meet the same requirements as other dwellings. If a sheltered housing development is a block of flats, it will have fire protection thanks to the method of construction—it will have fire warning systems for the residents and suitable measures that allow for escape and evacuation in case of fire.

In our submission, we comment on what seems to be a problem with the way in which the bill is framed. If an individual house has adaptations that require a building warrant—for example, the installation of an alarm or internal adaptations such as showers, rails or ramps—the house can be classified as sheltered housing. The bill would add a requirement for the installation of a sprinkler system. Such a system might or might not be beneficial, but it would add to the cost. That would have the perverse effect of disincentivising—if there is such a word—landlords and owners to carry out such adaptations.

**Sandy Lorimer:** Under the definition of sheltered housing that is provided in the policy memorandum, any adaptation that would require a change of use of the building would become a warrantable subject that our members would have to consider.

**Donald Gorrie:** So an adapted property would be treated like a new-build property.

**Sandy Lorimer:** The effect would be the same. If there is a change of use, the building becomes the subject of a warrant. We would then be able to consider any of the requirements under normal building regulations.

**Donald Gorrie:** If the bill were to be passed, would it cause a problem for a requirement for sprinklers to be imposed on some sheltered housing but not on other such housing?

**Sandy Lorimer:** As I see it, if any sheltered housing has a fire sprinkler system, that is a benefit—it has to be a bonus to have such a system. Requiring sprinkler systems in new build

is probably the most practical way of dealing with the issue because requiring the retrofit of all existing sheltered housing developments would cause enormous problems. The difficulty is that we would never reach the houses that cause the biggest problems. Any new build will have all the latest safeguards, anyway.

This is almost the opposite of our argument, but although we argue that retrofitting existing properties is not a good way of approaching the issue, unless some retrofitting is done, we will never catch up with the existing properties. That is where I see the benefit of using the licensing authorities. A licensing authority can require whatever adaptations it thinks are suitable for the purpose. That is why I think that it is much more sensible to deal with the issue through licensing regulations than through the method that is suggested in the bill.

**Gary Black:** In essence, that approach would not be any different from the way in which smoke detectors were first included in the standards. A huge amount of properties now have smoke detectors fitted, and all conversions now have them fitted. The question is where we start from. We need an easily controllable system to be in place in local authorities so that, slowly but surely, stock is improved. The quick-fix solution that would be provided for by the bill would be fairly problematic, as most of my colleagues here would probably agree.

We need to consider how the relevant properties would be identified, how the bill would be enforced, who would be responsible for that enforcement and whether the money would be available to make that happen. If the licensing system could be used as a tool so that, as part of the risk assessments that were mentioned earlier, action could be taken in relation to the really poor buildings that present a danger, that would be a better way of controlling the situation.

**Sandy Lorimer:** Requiring the retrofit of properties could be almost as damaging as it could be helpful. Bearing in mind what I said, members will recall that such retrofits would not necessarily require a warrant. If a retrofit did not have a warrant, there would be a blunderbuss effect, because everything would have to be done immediately. We would land up with uncontrolled installations, which could well sacrifice much of the work that had been done previously to provide fire safety measures. For example, firewalls and ceilings could be punctured and the separation between properties could be sacrificed, because pipes have to be taken through properties. In such uncontrolled installations, there are no checks on who does the work and how it is done. That is a weakness.

**Alister McDonald:** The definition of sheltered housing in the bill's policy memorandum, which is drawn from the Title Conditions (Scotland) Act 2003, is not, as far as I am aware, a definition that applies in building regulations. That is not terribly helpful to the bill's attempt to introduce sprinklers.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** In questioning our visitors, Stewart Stevenson drew out some of the answers to questions on property types that I was hoping to ask.

My question is for John Blackwood from the Scottish Association of Landlords. Your paper suggests that if the bill were to be enacted, landlords could decide to leave the market. You say that you have some anecdotal evidence of landlords of larger HMO properties moving into smaller properties. Could you expand on that evidence and your concerns, and on how the housing market would be affected in some of our larger towns and cities?

**John Blackwood:** That is our greatest concern about the policy. Large cities are a good example, because there are areas with large numbers of HMOs. We know from experience that the people who live in such areas are not necessarily students or disadvantaged people. Although those people take up a large proportion of HMOs, many of the people in HMOs are part of the migrant population. They may be looking to move to a city to take up a new job, and are finding their feet and taking some time before they buy a property or relocate their families. A lot of tenants are in that position.

So far, landlords are happy, although they have no choice but to comply with the HMO licensing standards. Technically, those standards apply to properties with three individuals or more than two families—that could apply to a three-bedroom property, which is a relatively small HMO. Landlords can charge only a certain amount of rent with three people in a property. There is a ceiling beyond which they cannot go. We say that, at the end of the day, the tenant will eventually have to pay whatever costs are involved, but there is only so much that landlords can charge an individual in an open market with a level playing field.

Such landlords have already done what they had to do to get an HMO licence, which amounted to investing a few thousand pounds in their properties. With the introduction of fire sprinklers, which will not even be phased in over a period of time, we are looking at a considerable amount of money over and above that. The situation is not like the HMO licensing situation, which came in on a threshold basis over a few years. The bill's measures would be implemented all at once. The cost would be the final straw that breaks some

landlords' backs. They will think, "This is no longer the marketplace that I want to be operating in."

Even with only the HMO licensing regime, some landlords are selling up large properties—or even three and four-bedroom properties—and buying two-bedroom properties for two individuals or a couple, which they find is more lucrative in the long run. That may even be reflected in the market value over the next few years, if people continue to sell large properties. Unless those landlords are replaced by others who are willing to invest that amount of money, there will be a reduction in housing supply, which is our greatest concern. That will happen in areas in which such properties are concentrated, in the large cities of Scotland.

**Cathie Craigie:** Your evidence says that you hear through the grapevine about landlords downsizing. Is your organisation going to carry out any research to substantiate the claims that you make?

10:45

**John Blackwood:** We intend to do that. One of the issues is the fact that the licensing threshold came down to more than two families in October. It is still too early to tell what impact that will have on the market, but we are already seeing landlords who had five and six-bedroom properties—which came under the licensing regime a couple of years ago—selling up and downsizing. My greater concern is what will happen in the long term. Over the next couple of years, we will see the real impact that HMO licensing has had on housing supply. Any further complication with the costs involved in installing fire sprinklers is only going to exacerbate the potential problem that we envisage. Some of our members are either selling up completely or thinking about buying a smaller property that does not need to comply. That will not bring them as big an income as they had before, but they are prepared to do that.

**Cathie Craigie:** I note the quotations that you included with your submission. Do your members or your organisation see sprinkler systems as an investment for the future rather than as a deterrent to your members continuing to be HMO landlords? Sprinkler systems might be an investment for the future that would attract people to their properties because of the added security that they would bring.

**John Blackwood:** That would rely on landlords investing that money, and on their having that money to invest in the first place. The majority of landlords nowadays are different from landlords of 20 or 30 years ago. A lot of landlords subsidise their properties for investment purposes and see them as a pension plan. They will have a mortgage on a property and many other

outgoings, and although they have rent coming in, that does not cover the outgoings in the majority of cases. As with any pension plan, landlords expect to spend £100 or £200 a month on their product, so to speak; therefore, they already subsidise their properties. They do so because they will make money in the long term through capital growth, and there is nothing to indicate that the installation of fire sprinkler systems would enhance the capital value of a property or entice tenants to it.

A lot of landlords who see the value in being a landlord and letting out properties to tenants might see a greater advantage in installing sprinkler systems in smaller units rather than in larger units, as that would save them hassle—that is the greater reality. We do not have anything but anecdotal evidence to substantiate that view, but over the next couple of years we will do a lot of work on the matter.

**Mary Scanlon:** Although the financial memorandum says that it will cost around £1,000 to £1,500 to install fire sprinklers in each property, you estimate the cost at around £7,000, plus annual maintenance, which is quite a significant amount.

You talked about enticing tenants. Someone said in their submission that, given all the equipment that people tend to have in their flats, including computers, DVDs and videos, not to mention clothes and other things, a fire sprinkler system may not be an enticing factor. Have you taken into account the effect of sprinkler systems on tenants' insurance as a factor in enticing tenants?

**John Blackwood:** To be honest, I cannot say whether a sprinkler system would entice tenants or whether it would be a disincentive—the jury is out on that at the moment. I do not see why it would be a great advantage for a prospective tenant of a property. I do not think that they would say, "Oh, yes. It has fire sprinklers, so I am going to take it."

With regard to insurance, we have done a bit of research on that over the past couple of years. Some insurance brokers originally told us that they would have reservations about insuring properties with fire sprinklers, which really surprised us. That was when HMO licensing first came in, and we thought then that perhaps it would be worth investing in those systems for large properties. Systems are more sophisticated now, but I believe that the brokers based their view on the fact that sprinklers could easily be set off through malicious damage. It was felt that the number of claims would mean either that landlords would have to pay a larger premium or that insurers would have to look more carefully at paying out.

In more recent discussions, insurance brokers have said that the principle of having a sprinkler

system is something that they feel would be to the benefit of the property, for the obvious reason that it could stop the property burning to the ground. However, they did not feel that that would affect the premium in any way, so it would not be any cheaper or any more expensive. That is where we stand at the moment, so I do not think that insurance factors are an argument for or against sprinklers. However, there might well be implications for tenants' own contents insurance. They are responsible for their own computer equipment and whatnot, so if a sprinkler system went off accidentally and damaged a computer, their insurers might have something to say about that, but that is another argument.

**Mary Scanlon:** Does the Scottish Association of Landlords agree with the Association of Residential Letting Agents, the Royal Incorporation of Architects in Scotland, Queen Margaret University College and various other universities that the bill will have a marked effect on properties for rent and that, with fewer properties available, rental prices are likely to rise?

**John Blackwood:** I think so. The long-term effect could be to place a burden on the availability of two-bedroom accommodation, which would not be licensable. If the bill goes through, such properties would not have to have fire sprinklers, which would mean that more people would be looking for smaller units rather than living in large households—they might live just with a friend or with a partner in a two-bedroom property. There would therefore be a greater demand for such property, which would raise prices and rents. That would be a long-term effect.

You mentioned the figure of £1,500 compared to the figures that I provided.

**Mary Scanlon:** Yes—the £7,000.

**John Blackwood:** In fairness, in my discussions with Michael Matheson about that, it was impossible to come up with an average cost for an HMO in Scotland. It is fair to say that none of us can do that. The only thing that we could do was to take two typical tenement properties in Edinburgh with nothing unusual about them and to go to the marketplace—which is what anybody would do—by asking fire sprinkler installers how much systems would cost for those properties. We provided floor plans and details of the streets, and those figures were what came back. I am not saying that the figure of around £7,000 is the average price for every HMO in Scotland; I am just saying that our figures show typical prices for typical properties in Edinburgh.

**Mary Scanlon:** Is it an accurate estimate by today's standards?

**John Blackwood:** Yes, it is. That is what we would be charged. I hasten to say that it would be

more than that, because the firms went to great lengths to say, "Well, if we find something that we have to alter, the costs will go up." In addition, joinery and decoration costs are not included in the estimates, which is understandable.

**Stewart Stevenson:** I would like to develop the point about cost. I find myself quite astonished by your costs, because I happen to have had to replace all the central heating piping in my house—the mice were chewing through the plastic pipes. The pipes have been replaced with almost exactly the kind of piping that would be required when fitting a fire sprinkler system. The work has probably involved slightly more than twice as much piping as would be required for a sprinkler system, and I have paid just over £1,000 for work to a house that is larger than either of the properties on which your estimates are based. However, I should say that my house is of a different construction—it is a single-storey building with a very accessible roof void—so I understand that I am not comparing apples with apples.

Nevertheless, that comparison raises a question. You have chosen two specific examples, which make a particular point about that kind of property. I am not going to poke around that point, but given the overall representation of the properties that the bill, if enacted, might affect—and, indeed, thinking further ahead to the possibility that the scope of the bill might be restricted to properties that are different in character to the examples that you have used, in that they might have a greater number of occupants—where do you think the properties mentioned in your submission sit in the scale of cost? Are they at the top, the middle or the bottom? I am referring to Mr Blackwood's written evidence, but I see a fidget from his left, so if Mr Bookbinder or anyone else is better able to answer the question, I am happy to hear from them.

**John Blackwood:** I checked out the cost of additional pipe work. Quote 2 would involve substantially less pipe work than quote 1, but the difference in price between the two quotes is negligible. That is because quote 2 was for a mist sprinkler system. Although such systems are not covered by the bill, they do not require the same amount of water pressure in the tank—they require compressed cylinders to be installed instead. I gathered from both firms that gave us quotes that the installation price is dependent on the size of the rooms—in other words, the number of fire sprinkler heads that need to be installed—rather than on the amount of pipe work that is required.

**Stewart Stevenson:** But the sprinkler heads cost £10 each.

**John Blackwood:** Both companies went to great lengths to say that the cost depends on

whether the head that is installed is of the super-de-luxe type or of the cheap type.

**Stewart Stevenson:** I have seen them all; the more expensive ones are about £12.

**John Blackwood:** When the companies told me that there was a difference in price, I said that we did not want the dear ones and that we just wanted what would be required to do the job.

If I may return to the question, the examples provide a typical cost, not an average cost. The cost would be dependent on the particular property.

**Stewart Stevenson:** So the costs in your submission are typical for properties for which the installation of a fire sprinkler system would pose a particular set of problems. They are not typical of the properties that the bill seeks to address.

**John Blackwood:** I think that both quotes are typical. One is for a typical three-bedroom HMO in a second-floor tenement flat—I believe that a top-floor flat could have water-pressure problems, which would add to the cost. The other quote is for a typical four-bedroom HMO. Both firms that quoted would not comment on whether they might find that other pipe work required to be installed once they ripped up the floors. Their calculations were based on the square footage of the properties and on the streets in which they were located.

**David Bookbinder:** The SFHA does not have a detailed breakdown of the age and type of the almost 600 HMOs that are owned and managed by housing associations in Scotland, but it is fairly safe to assume that most of them are not new buildings. By their nature, they tend to be older houses and many of them are in tenements. They are almost always on more than one storey. That will inevitably have an influence on the costs of retrofitting.

**Alister McDonald:** Mr Blackwood has had more success in getting quotations than we had. In the four weeks since we attended the Finance Committee meeting, we have tried to get quotations. We tried to find out what the typical cost would be by asking for quotations on three types of building: a sheltered housing development, a care home and a house in multiple occupation. To date, we have been unable to get quotations because, surprisingly enough, firms are not falling over themselves to do this work. When we have that information, we will be happy to share it with the committee.

**Stewart Stevenson:** It might be appropriate for me to say that I have in front of me a list of five national associations and their telephone numbers. If this list is anything to go by, there appears to be an active industry out there, so I am

slightly surprised by what you say. That is only an observation.

**Alister McDonald:** If that list is from the Residential Sprinkler Association, it is the same as the one that we used.

**Stewart Stevenson:** No, the Residential Sprinkler Association is only one of the five names that are on my list. However, let us pass on, as it may not be helpful to pursue that point.

**Patrick Harvie (Glasgow) (Green):** Is David Bookbinder aware of any evidence to suggest that the HMOs and sheltered housing in Scotland that are owned and managed by registered social landlords have a greater or lesser incidence of fire?

11:00

**David Bookbinder:** No, that is a difficulty that all of us have had with the bill. As far as I am aware, the fire statistics that differentiate between different types of housing do not also look at the classification of different types of building.

Let us take the fire statistics that show the vulnerability of older people, for example. I might hazard a guess—although I could not back it up in any way—that the important factor is the way in which sheltered housing is built, with each flat being designed as an individual fire cell, so to speak. Even if we were to make allowances on a pro rata basis for the number of older people who live in sheltered housing as opposed to the greater number who live in ordinary housing in the community, it would not surprise me if the number of deaths in ordinary housing in the community was greater than is the case in sheltered housing. As I said, that is because of the specific design features of sheltered housing.

As far as I can see, the problem with the statistics for HMOs and sheltered housing is that they do not classify different types of dwelling.

**Patrick Harvie:** I suppose that you could not give us the same sort of estimate for HMOs as you did for sheltered housing. What is your gut feeling about that?

**David Bookbinder:** I would be more hesitant about saying that I had a gut feeling about HMOs. Now that the mandatory licensing scheme has reached its final stage, I feel confident that fire standards will be much greater in licensed HMOs than they were five or 10 years ago. It is early days yet and, as members know, we are at the end of the final phase of the mandatory licensing scheme. My gut feeling is that licensed HMOs are very safe buildings.

**Scott Barrie:** I will address my question primarily to the Scottish Association of Building

Standards Managers. What impact will the bill have on the work of building control departments across Scotland?

**Gary Black:** As the bill stands, it will not have a tremendous impact on building standards. The emphasis of the work is on the point at which there is a change in an HMO tenancy. Establishing who owns the property falls to the local authority—usually the environmental health or housing department—after which responsibility to enforce falls to the police and the Crown Office.

As far as building standards professionals are concerned, the bill is not particularly onerous in that regard. For example, the bill makes provision for new sheltered housing to be within the standards. Those standards will be applied to buildings that have a range of standards applied to them already. The effect will therefore be minimal.

That point leads me back to one of the first comments that I made about effectively controlling the built environment. The essence of building control in Scotland is to ensure the health, safety and welfare of persons who inhabit or frequent the built environment. The best means by which to do that is to include new provisions in the technical standards or the current building standards regulations for Scotland.

**Scott Barrie:** In relation to building control and building warrants, is it possible that, for technical or policy reasons or because of the way in which the building is situated or constructed, a HMO would not be given a building warrant for the installation of a fire sprinkler system?

**Sandy Lorimer:** As I said earlier, whether or not a warrant is required is debatable. Most of the work that is done under the bill in terms of retrofitting a system would not necessarily require a building warrant. Only one section in the regulations, which concerns the fitness of materials, would apply. In most cases, people would not need to come for a warrant, which is the worrying part about the bill. As I said, the work that is done could be more detrimental than helpful.

Although I support wholly the installation of fire sprinklers, I also support wholly its being done properly. As I said, I do not believe that things will be done properly if they are done using the blunderbuss approach in which everything must happen tomorrow—which is almost impossible—or in an uncontrolled fashion that does not require installations to be checked by people who know about safety.

Installation of sprinkler systems would be done for good reasons, but it would not necessarily be done in a controlled way. That is why we are pushing for installation to be controlled by us—the alleged experts on buildings. The matter does not relate only to the fire risk; if we are going to install

such systems retrospectively, they could affect structural and other aspects of buildings. In most cases they will, for example, require to be concealed.

In the particular case of HMOs, most of the work would have to be done from the underside of the ceilings. There could be problems with notching joists to accommodate pipe work, and so on. If that was not done properly, the effect could be more detrimental than beneficial.

**Gary Black:** To conclude what Sandy Lorimer said, and to return to the question, if the bill is passed in its current form, we would not have the level of control that we would like to have and which would offer the proper protection, for which building standards and building control were intended in the first place.

**Scott Barrie:** Given that the bill will require the installation of a sprinkler system in an HMO when there is a change of tenancy, how will local authorities monitor and enforce compliance with that requirement? Would that be particularly difficult?

**Gary Black:** I do not see how they could monitor that.

**Sandy Lorimer:** Such monitoring would make much more sense if it was done at the licensing stage when the building was being inspected.

We are obviously zoning in on HMOs, whether or not we accept that they are the most vulnerable type of building. The statistics are not broken down in the report that I received this morning, so it would be interesting to see whether the real risk is in HMOs and sheltered housing. From the evidence in the report, it appears that the real risk is in the home, but not necessarily in that type of home. The SABSM would support a wider sphere of enforcement.

**Mary Scanlon:** One of the submissions mentioned legionnaire's disease as a bacteriological time bomb. Will the SABSM comment on that?

The University of Aberdeen has said that the most common cause of fatalities is smoke and fumes inhalation. Also, the temperature that is required to make a sprinkler go off is often so high that they go off too late. I would like to hear comments on both of those points.

**Sandy Lorimer:** Legionnaire's disease is obviously a threat but, from the building control point of view, we have no experience of it. Obviously, it is never good to have stored, stagnant water in a pipe for a lengthy period. That would happen with sprinklers, but I would not like to comment on whether it would lead to legionnaire's disease.

**Gary Black:** Our environmental health colleagues throughout Scotland are better placed to answer that question.

On your first question, you are quite correct that primarily it is toxic gases and smoke that kill. That leads back to my earlier argument about the person who is asleep in a room on his own where a fire starts; he will die. However, if the adjacent room has the current recommended measures in place, the smoke detector will activate and, provided that the person is roused, he will have a reasonable chance of getting up and out of the building. Additionally, if there is a sprinkler head in that building, when the temperature reaches the set point, the fusible link or the glass bulb will break and the fire would be suppressed.

**The Convener:** Do you accept that the issue is about whether the person would be roused? If a person is vulnerable—a middle-aged man who has drunk too much and fallen asleep—he might not be aroused by a smoke alarm system. No one is setting one system against the other, but my understanding is that a sprinkler system would dilute toxic gases and, when damping down a fire that might take hold because the person has not responded to the warnings, it would help to increase their likelihood of survival.

**Gary Black:** That is not my sphere of expertise. The aim is to suppress and control the fire. Sprinkler systems were originally intended to preserve buildings but it has been found that modern sprinkler heads are so effective that, in many cases, they can control fires and can put out small fires. If a fire is put out, the toxic gases and smoke that kills will also stop.

It all goes back to adequate management and maintenance plans and to fire doors being used in every instance to control the spread of smoke and thus to save lives.

**The Convener:** My point is that one system does not militate against the benefits of the other.

**Gary Black:** No. The SABSM is firmly in favour of the use of sprinklers together with other systems to ensure that we reduce fire deaths.

**The Convener:** I thank the panel very much for their attendance—this has been a useful evidence session. If there are points that you want to clarify after the meeting, the committee will be more than happy to hear from you.

11:10

*Meeting suspended.*

11:19

*On resuming—*

**The Convener:** I welcome our second panel of witnesses in our consideration of the Fire Sprinklers in Residential Premises (Scotland) Bill. We appreciate your being with us today. I welcome Michael Bitcon, fire-master, and Kenny Moran, community fire safety officer, who are from Fife fire and rescue service. I also welcome Glyn Evans, fire safety adviser, and Kenny Munro, regional safety adviser, from the Fire Brigades Union. As is our normal procedure, we will go through a number of questions, and if there are points that you feel you have not had the opportunity to develop fully we will be more than happy to hear from you after today's meeting.

I will kick off, as I did with the first panel. Do you support the general principles of the bill? If so, please explain why. If you do not, we would be interested to hear about your reservations.

**Glyn Evans (Fire Brigades Union):** The FBU supports the principle of the bill and, as we said in our submission, we are wholly behind Michael Matheson's proposals. To a certain extent, our concern is that the bill does not go far enough, but we see the proposals very much as a jumping-off point. The Scottish Parliament could, if it were so minded, introduce sprinklers and thereafter—as experience grows in the use of domestic and residential sprinklers in Scotland, England, Wales and Northern Ireland—extend their use. We welcome and support the bill on that basis.

**Michael Bitcon (Fife Fire and Rescue Service):** We also welcome and support the bill: we will support any measure that can save lives. I have been in the business for 36 years and have seen many incidents in which sprinklers would have been beneficial. I come from Lancashire, as you probably know, and the cotton mills down there always had sprinklers, which saved the cotton mills and people's lives. We support the bill.

**Kenny Moran (Fife Fire and Rescue Service):** Unfortunately, we have a lot of experience of fire death in the home. Generally, we walk away saying, "If only they had some form of protection." There is absolutely no doubt that sprinkler protection would reduce dramatically the number of people who lose their lives as a result of fire in the home. We take the same view as the FBU—we see the bill as a starting point. In this day and age, it is unacceptable that people are losing their lives as a result of fire. Much of the evidence suggests that sprinkler systems will dramatically reduce the number of deaths.

**The Convener:** Is there any evidence that sprinkler systems provide protection to firefighters when they are tackling fires?

**Kenny Moran:** There is no doubt about that. Many people do not understand that a large proportion of the people who die in fires in the home die as a result of smoke inhalation: it is not actually the fire that kills them. Sprinkler systems have a number of advantages. Such a system is part of a toolbox—an engineered system—so an alarm would still be raised, but sprinkler systems are the only tools that actually intervene. Such a system would go a long way to extinguishing the fire long before it was allowed to take hold. The alarm would be raised, so people within the area would be alerted.

As a result of reducing the size of a fire, the amount of smoke that is produced is reduced, so the escape time for individuals in the surrounding area is greatly increased. Statistics tell us that, on many occasions, fire sprinklers actually extinguish fires completely. There is no doubt that reducing the size of a fire greatly enhances the fire service's intervention, because firefighters merely need then to attack smaller fires.

**The Convener:** You might be aware that the Scottish Building Standards Advisory Committee's fire sub-committee has concluded that promotion of fire detection systems is more effective than installation of sprinkler systems. What is your view on that?

**Kenny Moran:** I tend to disagree. A detection system or an alarm tells you only that there is a problem; it does not do anything to assist people who are at risk—the elderly, children and people with disabilities—to get out of a building. Only fire suppression systems intervene to reduce the size of fires and the production of smoke. By doing so, such systems give people more time to escape.

**Glyn Evans:** Your initial question referred to firefighters' safety. The last two firefighters who died in a house fire were from Gwent in Wales. They were caught in a flash-over, which happens when gas and toxic fumes ignite with an inrush of air, usually as a result of a door or window being opened. In that instance, the flash-over was the result of the failure of a window: both firefighters were burned to death. There is no doubt that sprinklers would have prevented that from happening and that, in general, they offer the fire service a degree of protection.

For instance, a fire recently broke out in sheltered accommodation in Lancashire. It was described by the fire service as "doubtful", which means that the fire was almost certainly started deliberately. The fire occurred in the residence's basement, where somebody for some reason had set fire to furniture that was about to be taken away. Because of English and Welsh building regulations, the basement was sprinklered. One sprinkler head operated, controlling and reducing the fire to the point at which all that the firefighters

had to do when they arrived was to deploy a hose reel and put out the residual fires. There was no need to evacuate the remainder of the building, which was back in use within an hour.

We have well-documented evidence of the effectiveness of domestic and residential sprinklers. Indeed, that body of evidence and statistical data are growing, although one could argue that they are not yet of sufficient weight to swing the matter. We know that a question was recently asked in the House of Commons about the incidence of sprinkler operations in domestic dwellings. People have to understand that we are not talking about thousands or hundreds of thousands of these installations; the marketplace is still growing. According to English and Welsh statistics—if I can remember the figures correctly—none of the 100 fires that broke out in sprinklered dwellings resulted in any fatalities among the occupants or the firefighters who attended those fires.

**Stewart Stevenson:** Although I have listened to what you have said to my colleagues, I should point out that in the past three weeks the Building Research Establishment report entitled “Effectiveness of residential sprinklers” appears to reach the rather different conclusion that such systems are cost-effective only in residential care homes—I presume because of the residents’ reduced mobility—and in buildings that are more than 11 storeys tall, which I presume is due to the reduced opportunities for vacating them. How do you respond to that recent research, which appears to suggest that there may be better ways of spending money on fire prevention?

11:30

**Kenny Moran:** First, the document to which you refer states clearly that the potential for life preservation is greatly enhanced if sprinkler systems are in place. On the cost-benefit analysis, I cannot come to terms with the fact that we are putting a price on people’s lives. My brief is to ensure that no person in this country loses their life because of a fire and I will do everything possible to achieve that aim. I do not want to be drawn into the debate about the cost of sprinkler systems. I do not agree that they are expensive. I believe that, as society begins to accept the benefits of sprinkler systems, their cost will come down. I am also unconvinced about the criteria that were used in the cost-benefit analysis. I do not believe that the analysis went far enough or that its conclusions took into account many of the hidden costs. I do not believe that the costs to fire services or local authorities were fully considered.

**Stewart Stevenson:** Can I turn that around a little? If the amount of money that would be required to install sprinkler systems were made

available to improve fire safety, could the money be spent in a better way that would deliver more? If not, would spending it on sprinkler systems be the single most effective way to spend it?

**Kenny Moran:** Other than fire suppression systems, I cannot think of any means that would enhance the life safety of persons in their homes if a fire were to occur as much as sprinkler systems would. Many of the fire safety facilities in buildings are designed to enhance the means of escape, to allow people to get out of a building if there is a fire. If the types of people about whom we are mainly concerned—the disabled, the elderly and the young—cannot use the means of escape, of what use is it to them? A sprinkler system or a fire suppression system reduces the volume of fires, affords people greater protection and, as Glyn Evans emphasised, gives greater opportunity for intervention by the fire services.

**Glyn Evans:** Can I just pick up on that point? First, I have the statistics in front of me to ensure that I cannot be accused later of misleading the committee. In response to a parliamentary question at Westminster, Mr Raynsford said in a written answer:

“The latest available information relates to calendar year 2002 and is still provisional. In that year, Fire and Rescue Services in the UK—”

so the figures include Scotland—

“attended 22 fires in dwellings equipped with water sprinklers, there were no deaths reported. In the same period, there were 64,613 fires in dwellings not equipped with water sprinklers, and 443 deaths.”—[*Official Report, House of Commons*, 2 February 2004; Vol 417, c740W.]

On the BRE/FRS research, the problem was the current low level of sprinkler installations in the UK, which made it difficult for the research to provide a cost-benefit analysis of the use of sprinklers in domestic dwellings. However, the research took into account the North American experience, in the United States of America and in Canada.

Because sprinklers are a new system in the UK, it is difficult to quantify their effectiveness. It is only over the past five years—or possibly longer—that the technology has really been developed and discussed and has come to the fore. You asked whether there was a better way of doing things. All fire safety measures have their pros and cons—they all have their flaws. As Kenny Moran said, smoke detection is an excellent detector of fire, but its purpose is simply to buy someone time to get out of the premises. If someone is unable to respond to it, for whatever reason—perhaps because they are sedated, a heavy sleeper or an alcoholic—they cannot use that time effectively.

On the other hand, a sprinkler system both detects and suppresses fires. The latest fire

sprinkler heads—emergency response heads—are very quick to operate. They operate at a relatively high temperature of 155°C, although it should be stressed that that is a ceiling temperature.

**Stewart Stevenson:** Can I just check: do you mean 155°F?

**Glyn Evans:** Yes, 155°F. Thank you for that—155°C would be rather hot. As I was saying, sprinklers have the potential to detect the fire, to suppress it and to hold it—even if they do not actually extinguish it—at a level that is almost not life threatening. The reason I say “almost not life threatening” is that fires push out smoke and fumes, which it is necessary to contain in a given area. Sprinklers will do a job, but they must be viewed in association with other measures. They are not a panacea for all ills, but they are a very good antidote to fire, let us say.

**Stewart Stevenson:** The BRE report, which came out very recently, has reached a conclusion that appears to be unhelpful to the progress of the bill. I suspect that it would be helpful to me and to other members if a critique of it were to be made available. We can only explore the matter to a certain extent in the time available to us now.

**Glyn Evans:** I do not actually see the report as being unhelpful. I would say that the BRE/FRS report supports Michael Matheson's conclusions about the premises that he wants the proposals in his bill to catch.

**Michael Bitcon:** I do not view any of the expenditure under the bill as a cost; I view it as investment in saving people's lives and in society, given the effect and impact that fatality has on us all. It is an investment in buildings and other heritage, too. For me—and I will push this—the way forward is to protect people and society and to protect buildings and heritage. I do not think of that as a cost.

**Stewart Stevenson:** I have considerable sympathy with that view, but it is part of the job of committee members to put to you the arguments that other people have deployed, so that you can respond to them. I hope that you understand that.

**Michael Bitcon:** I do, thank you.

**Patrick Harvie:** Still on the subject of cost and investment, we heard from housing organisation witnesses earlier that sprinkler systems would provide most benefit in older properties, where they would be much more expensive to install. Is that an accurate reflection of the balance to be struck?

**Glyn Evans:** We were in the public gallery, listening to the earlier debate, which we found very interesting. Essentially, you are discussing the

difference between new and existing buildings. Michael Matheson's bill deals with new buildings but, as I said earlier, that is only a jumping-off point. I have been in this business for 34 years and I think that what happened with smoke detectors provides a good analogy.

Back in the 1970s, when smoke detectors first came on to the fire safety market, they were extremely expensive. Inspecting officers had to plead and beg for a requirement to be made for smoke detectors and had to justify that to the *n<sup>th</sup>* degree. However, since then, smoke detectors have become an accepted part of domestic and commercial life. They have been absorbed into building standards legislation in Scotland and building regulations in England and Wales and nobody now thinks twice about the fact that new buildings will have smoke detectors. Members should bear that analogy in mind.

You asked about new or existing buildings. As I understand it, existing buildings would not be caught by this bill. It would be best to deal with existing buildings on a risk-assessment basis. HMOs would be caught by the licensing system that exists in Scotland and which is still being debated in England and Wales, so determining whether sprinklers are the most effective form of defence against fire in terms of cost and lives saved will be a matter for the licensing authority, in consultation with the fire authority.

Information that I have received from the Fire Sprinkler Association suggests that it is far cheaper to put domestic sprinklers into new buildings than it is to put them into existing buildings, because they can be installed along with the central heating system, whose pipe runs and so on it is closely allied to. In existing buildings, the cost depends entirely on the complexity of the building and on some of the questions that were discussed earlier, such as whether it would be necessary to pull down ceilings, notch joists and so on. From discussions, I know that the sprinkler industry is working hard to reduce costs. It has moved considerably on the sort of piping it will accept in domestic and residential systems. For example, it now accepts copper and plastic piping, which makes installation cheaper and easier.

The crux of the matter is how existing and new buildings are dealt with. Michael Matheson is proposing—and we support him—that new buildings should be dealt with as a jumping-off point, because we have to start somewhere. How existing buildings are dealt with will depend on whether it is decided to manage them through licensing or by other means. However, if a building is to be constructed or altered to become one of the range of buildings that are listed in the bill, it would be caught by the bill's provisions. One can reasonably assume that, if someone was

converting a building in a way that would mean that the building would be caught by the bill, a reasonably large amount of refurbishment work would be required. Our argument would be that the provision of a domestic or residential sprinkler system would not add greatly to the overall cost of the conversion. Further, I point out that it would be a one-off cost: I know of commercial sprinkler systems that are 35 years old that have operated properly and have controlled fires. They are almost a lifetime system.

11:45

**Kenny Moran:** I am not convinced by the argument about cost. We install central heating systems, particularly in old buildings, without a perceived problem. There is a need to make the sprinkler systems as efficient as possible so that the maintenance and upkeep costs are driven down. However, the annual maintenance costs for central heating systems, which I consider to be more complex than sprinkler systems, are not prohibitive. The landlords' argument that the bill would put an unnecessary burden on rents is not sound.

In many circumstances, the major issue is not the age of the building, but the type of people who are in the building. People in HMOs tend to live only small units of their lives there, which means that the fire loading is commensurably higher and so the hazard and the risk are higher. The fire loading is the same whether the building is 100 years old or was built last year.

**Mary Scanlon:** I have a question for Kenny Moran and Mike Bitcon. The submission from the City of Edinburgh Council states that two Scottish Executive reports produced in March and June 2002

"concluded that the use of sprinklers should not be made mandatory in any type of residential premises".

The submission goes on to state:

"The new Building (Scotland) Act 2003 through the medium of the Building Standards (Scotland) Regulations contains extensive requirements for fire safety in all types of buildings ... There is no justification therefore to have another Act of Parliament covering one aspect of fire safety".

How do you respond to those comments from the council in your neighbouring area? Do you have direct evidence that houses in multiple occupation and sheltered houses are at greater risk from fire than the rest of the housing stock is?

**Kenny Moran:** The evidence that has been gathered suggests that if a person lives in a house in multiple occupation, the potential fire risk is greater. As I said, the hazard is greater because the fire loading is greater, so the potential size of the fire is greater.

**Mary Scanlon:** Are there statistics to prove that?

**Kenny Moran:** Yes. I ask Glyn Evans to comment on them, but my understanding is that a person is 10 times more likely to be involved in a fire if they live in a house in multiple occupation than if they live in their own home. We must bear in mind the fact that the typical volume of combustible materials in a small area gives the opportunity for rapid fire development, if a fire occurs.

There are fire safety standards within the building regulations, but they are designed mostly around means of escape and structural fire protection; they do not enhance the opportunity for people who are disabled, elderly or young to escape from a fire. A sprinkler system is the only type of system that reduces the size of fires and the speed of fire spread. Obviously, that has major benefits, not only for the elderly, the young and the disabled, but for everybody.

**Mary Scanlon:** When the Building (Scotland) Bill passed through the Parliament, did you propose an amendment that was rejected to the effect that fire sprinklers should be included?

**Kenny Moran:** I cannot comment on that.

**Mary Scanlon:** Did any of the fire services suggest such an amendment to the bill?

**Kenny Moran:** Again, I cannot comment on that.

**Glyn Evans:** We produced a comprehensive paper on the Building (Scotland) Bill, but I cannot remember whether it included reference to what we would term fire suppression systems. At the time, we were more concerned about whether the bill was developing in line with the building regulations in England and Wales. In all honesty, I cannot remember whether we suggested an amendment on fire sprinklers or not. We submitted comprehensive comments on the bill and I appeared before the committee that was considering it in the Parliament's offices on George IV Bridge.

**Mary Scanlon:** The Building (Scotland) Act 2003 is a specifically Scottish act and the City of Edinburgh Council is very satisfied with it.

Do you have any evidence that the fire safety measures that are required under the current HMO licensing regime are proving ineffective?

**Kenny Moran:** They are certainly much better than they were, because they give us the opportunity to examine those buildings and to enhance the fire protection within them. We must look back at why the standards came about. I emphasise that we were investing for our future. The measures in the HMO regime have made

things better and have increased the chance of survival for people in an HMO but, although they have enhanced the potential for escape, a huge hazard still exists. If a fire were to occur in one of those premises, there is no doubt that there is huge potential for loss of life.

**Mary Scanlon:** I appreciate what you say, but acts of Parliament take time to come into effect. I am apprehensive about saying that a new act of Parliament is necessary less than a year after an act—which the City of Edinburgh Council says covers all aspects of fire safety—has been implemented. If fire sprinklers are so important, why did our legislators not include them in the 2003 act? That is my concern.

**Kenny Moran:** My long experience in the fire service has taught me that the more I learn about fire, the less I know. Just over 10 years ago, we went through the same process with smoke alarms. Why did people not campaign for smoke alarms then, given that we now consider them to be part and parcel of our everyday existence?

The types of materials that are going into the home mean that we are experiencing technical issues such as back-draught and flash-over. Such issues, which affect the way in which a fire develops, lead us to believe that someone has a reduced chance of surviving a fire in their home if it is allowed to develop. The timescales are very short. The conclusion that we are reaching is that if we were to park a fire appliance outside the front door of the premises at the point at which flash-over occurred, the intervention would not work. We are reaching the conclusion that fire suppression is the only answer for the future. We might not have realised that even two or three years ago.

**Stewart Stevenson:** I want to develop the issue. Are you aware of the “High Occupancy Building Risk Assessment Toolkit”, which I got from the Office of the Deputy Prime Minister’s website this morning? It is produced by the Home Office’s fire and emergency planning directorate. The rankings in the toolkit show clearly that HMOs are at higher risk. In table C.5 in appendix C, it is concluded that a

“Single or multi-storeyed building (with sleeping accommodation) for exceptionally vulnerable occupants”

belongs to the very high risk category, whereas a “Sprinklered building” belongs to the very low risk category. Have you used that toolkit or is it used only in England and Wales? Are you familiar with it and, if so, do you agree with it? I invite Mr Evans to provide a brief answer, as time is moving on.

**The Convener:** If we need people to be brief, I will let them know.

**Stewart Stevenson:** Okay, boss.

**Glyn Evans:** I think that you can reasonably conclude that we would agree with it. As its name suggests, it is one of a number of toolkits that are available to fire authorities to use in determining risk factors. It tends to support the research programme on the effectiveness of residential sprinklers that BRE/FRS carried out. There might be a gut feeling in the fire services that that research did not go far enough but, as I explained earlier, that was based more on the fact that there was a lack of data to analyse than on anything else. In short, we know of the toolkit, we support it and we understand why it is there.

**Cathie Craigie:** As we hear evidence, committee members must be becoming supporters of the argument that sprinkler systems save lives. I am concerned about some of the comments that we have heard this morning on whether new acts of Parliament would be needed to introduce sprinkler systems, at least in all domestic premises. I do not think that a new act of Parliament would be necessary, but we would need to change the 2003 act. We could probably do that through regulations; I could check that, but I am pretty confident that that is the case.

Given that, does the bill go far enough or should we be trying to implement the proposed measure, which obviously saves lives, by changing the building regulations? You have said that it took a while to accept that smoke alarms would save lives and affect people’s health, just as it took a while to convince people that having running hot and cold water or a fixed bath in their houses would affect their health and lives. The same is true of all the improvements that we have managed to achieve through the years. Rather than acting on the very small scale that is suggested in the bill, should we aim higher and seek to change the regulations to make fire sprinklers a requirement in all new buildings or conversions?

**Glyn Evans:** As I see it, if one was minded to legislate for sprinklers, there would be two ways to do so. It could be done through a separate bill, as Michael Matheson proposes, which would become an act and would amend the building regulations. The building regulations have already changed dramatically; the new regulations are due to come into force on 1 April 2005, when there will be a switch to what are termed functional requirements.

It would also be possible to legislate by amending the existing building regulations, so that buildings were required to provide for fire suppression or the reduction of fire growth—that is what sprinklers do. As I understand the way in which the building regulations in Scotland will operate, if a person did not particularly want to do things that way, but wished to do them another way, they could do so, provided that they could

demonstrate the same effect—if you see what I mean.

As I said in response to the convener's question, we have to start somewhere. The questions that are exercising the committee are where to start, how to start and what piece of legislation to use. Should there be a separate piece of legislation or should the building regulations be amended to include provision for fire suppression systems? Is the proposed range of premises adequate? We would argue that it is not. One of the big economic losses is suffered in relation to schools. We lose £100 million worth of schools a year and there are, on average, three school fires a week. Sprinklers would offer a solution to that problem.

If the Parliament were minded to amend the building regulations to include cover for fire suppression or dealing with fire growth, it would have that facility to hand. It is a question of how the Parliament wants to act.

12:00

**Cathie Craigie:** I note that in the FBU submission you recommend the inclusion in the bill of a range of other premises. Is the bill good enough? I accept that you said that it would be a start, but will we be missing the boat—or the fire engine—if we limit it to such a narrow focus? Should we be concentrating on other areas to provide the improvements that we are seeking, rather than focusing only on HMOs and care homes? Is there evidence to support the claim that lives are being lost in those premises to a much greater extent than they are in a range of other premises?

**Glyn Evans:** You are absolutely right: we have provided a list of types of premises that we feel ought to be caught by the bill on the basis of the risks that we know exist in them. We are reassured by the fact that the bill includes a provision for Scottish ministers to extend the range of premises caught by the bill. As I said before, it is a matter of considering where and how to start.

**Cathie Craigie:** You are not reassured by the inclusion of that provision, because in paragraph 2.3 of your submission you say that you believe that it would take another tragedy before ministers would use the power provided. Given that comment, I do not believe that the union is reassured.

**Glyn Evans:** I understand what you are saying. We are trying to balance the probability of what is achievable against what we would like to see. We would like to see the bill cover the proposed range of premises as well as those listed in paragraph 3.1 of our submission. If that were too much too soon for the Scottish Parliament, the fall-back position would be the power that Scottish ministers

would have, if the Parliament passed the bill, to extend later the range of premises that are covered. We believe that the Parliament should consider seriously including our suggested range of premises. The bill deals with new and converted premises, rather than existing buildings. We are not talking about a retrospective fit; we are talking about new or converted premises. If I remember correctly, Mr Black from the Scottish Association of Building Standards Managers said that, in real terms, dealing with the daily applications would not involve a huge work load; the applications would be one-offs.

I hope that the committee understands why we said what we did. We were considering what would be nirvana for us in terms of what the bill covers. If the Parliament were not minded to go that far, we sincerely hope that it would maintain the ability of ministers to extend later the range of premises covered.

**Kenny Moran:** The bill, as it stands, will certainly enhance the potential for life safety in HMOs and residential sheltered housing. However, I am looking at the stats for 2002-03. Of 84 deaths in Scotland, all but 13 were in the home. There are premises—people's homes—where people will still die. We are protecting only a small section of the community; we are not protecting everybody, which, ultimately, is what we should aspire to. In this day and age, it is socially unacceptable for somebody to lose their life in a fire in their home in Scotland. We should aspire to afford everybody the appropriate protection, and the best way to do that is through the installation of fire suppression systems.

**Stewart Stevenson:** Do you think that water pressure presents an issue for rural properties and older properties where the pressure is not good? Will the systems be able to work effectively?

**Kenny Moran:** Scottish Water has issues with guaranteeing the appropriate supplies. Work has to be done to overcome those problems, but I am not a technical expert on that. There are other fire suppression systems. I have been careful to refer to fire suppression systems, not domestic sprinkler systems, as other types of systems are being developed that may overcome some of the problems that are associated with water supplies for residential and domestic sprinkler systems. I do not think that they should be discounted.

**Stewart Stevenson:** Does the FBU have anything to add?

**Glyn Evans:** Yes. I would prefer you to direct the question to a sprinkler engineer, but I understand that the problem can be overcome by the use of tanks and pumps. In the same way that someone would have a hot water cylinder to supply their hot water—although that would be

somewhat larger—they would have a tank to supply their sprinkler system.

**Scott Barrie:** Let us return to the submission from the City of Edinburgh Council, to which Mary Scanlon referred. It argues that decisions to require sprinklers should be made on a case-by-case basis following a risk assessment. Do you support that assertion? I assume that you do not. Can you tell us why?

**Kenny Moran:** We are protecting a premises, but the premises is only part of the risk. The risk is created by the individual in the premises. If we were going to risk assess, we would have to assess the type of person who was in the property. A risk assessment would have to be carried out every time the individual changed. That process would be intensely bureaucratic and a cost-benefit analysis would prove it to be very expensive.

**Glyn Evans:** It is the new and existing building situation, again. For existing buildings, the assessment could be done on a risk-by-risk basis, because the buildings would not be caught by the bill unless they were conversions, in which case a degree of refurbishment would be inherent anyway. If a building had not been used as a public building, it would have to be upgraded anyway to comply with building regulations.

For new buildings, the question would be why fire suppression systems would not be included. A builder would not put smoke detectors or a fire alarm system into new buildings, for instance. Putting those systems in at the new-build stage gives the building a wide use range because, in effect, a certain degree of protection is inherent in the building.

**Scott Barrie:** Should the bill allow for the installation of alternative fire suppression systems, such as water mist systems, in addition to sprinklers?

**Kenny Moran:** I think that they should be considered. I know that a lot of work still has to be done in that area, but there is the potential for having nothing at all if we do not consider alternative systems. Technology moves on, and as long as the appropriate research and development is done, we should consider alternative systems to domestic and residential sprinklers. Mr Stevenson alluded to the problems with water supplies. It could be the case that water mist systems could overcome those problems; it would not be only in remote rural areas that the problems experienced in the city centres could be overcome.

**Mary Scanlon:** I have a brief question for Michael Bitcon, the fire-master for Fife. I have been reading your submission, and I wonder whether you took into account the contents of the Building (Scotland) Act 2003 before submitting

your evidence. Is your evidence based on the contents of that act?

**Michael Bitcon:** I cannot really comment on that. Possibly not, but I am not sure.

**Mary Scanlon:** There is certainly no mention of that act.

**Michael Bitcon:** Is there not?

**Mary Scanlon:** I just wonder whether it has been taken into account.

**Kenny Moran:** I can answer that.

**Michael Bitcon:** Kenny Moran did a lot of the work for me on that, so he is better placed to answer your question.

**Kenny Moran:** Our response is based largely on experience and on trying to get society to accept that there is a better way of preventing fire. It all boils down to creating a safer community. There are people from the building standards lobby who do not, as yet, appreciate the benefit of installing sprinkler systems. It is not only about saving life, although I have no doubt that a dramatic number of lives would be saved as a result of installing sprinkler systems. The number of injuries and the extent of injury would also be dramatically reduced, as would the amount of property damage. As Glyn Evans has said, the amount of fire damage to school property is increasing dramatically at the moment, and investment in sprinkler systems would reduce the huge financial burden on society that results from all those fires.

**Mary Scanlon:** I do not disagree with anything that you say. However, as a parliamentarian, I have to consider the substantial evidence from Edinburgh, which tells me that there is no need for further legislation and that there is adequate provision in the Building (Scotland) Act 2003. I acknowledge what you say, but if you are saying that your evidence is not based on the provisions in that act, is it possible that there is no need for the proposed legislation on fire sprinklers? In other words, has City of Edinburgh Council got it right?

**Kenny Moran:** If the bill were not to be passed, I would like to see how many properties would be fitted with fire suppression systems in the area.

**The Convener:** It is reasonable to say that the judgment that the committee must make must balance the evidence. We do not expect you to refute every other bit of evidence that comes before you. To be honest, part of the challenge of handling this bill is how compelling the arguments are on both sides.

12:15

**Glyn Evans:** In reply to Mrs Scanlon, there are two issues. She asked about the Building

(Scotland) Act 2003. As I understand it, and this is the basis on which we commented, that act is an enabling act that changed the way in which Scotland conducts its business with regard to building applications. Under that act, the building (Scotland) regulations were proposed, which will come into effect in 2005. As of 1 April next year, those will be the building regulations. Supporting those are the technical standards.

We have to turn to the technical standards to see whether fire suppression systems are included in the recommendations. At the moment, the technical standards are absolute. If someone wants to build a property, they must comply with the technical standards. After 1 April 2005, I understand that Scotland will move to use the English and Welsh system and will have to comply with a series of functional requirements for which the technical standards will act as guidance.

The builder will need to know whether the technical standards refer to the provision of domestic and residential sprinklers in the types of premises covered by Michael Matheson's bill. The requirement is not contained in the Building (Scotland) Act 2003; that merely sets out how building regulators conduct their business. The building regulations tell the applicants for building work in Scotland what they have to achieve, and the technical standards tell them how it might be achieved, but if an applicant can find a better way of achieving the same end that is different from the way suggested in the technical standard, that is equally acceptable.

Those are the imponderables we must toy with in determining how the bill will affect us, because the system is changing.

**The Convener:** I thank you very much for your attendance. Again, it was a useful session and there is a lot of information that we will have to reflect on at some length. As I said at the beginning, if there are particular points that you want to highlight further, we will be happy to hear from you.

**Glyn Evans:** Thank you, convener.

**The Convener:** Following next week's meeting, the committee will be taking evidence from the Minister for Communities and Michael Matheson, the member in charge of the bill. It would be useful if we could have a short session in private to discuss the main issues at stage 1 of the bill to help the clerks with the draft report. Is it acceptable that we do that in private at the end of the next meeting?

**Members** *indicated agreement.*

## Budget Process 2005-06

12:18

**The Convener:** We move on to discuss the budget process 2005-06: the highlight of the year.

Members are asked to consider the approach to the 2005-06 budget process. You will note that, this year, the Finance Committee's adviser has offered to draft several papers for the committee on the annual expenditure report and to give a presentation at the committee's meeting on 31 March. Are there any comments on the approach paper?

**Stewart Stevenson:** The approach paper provides an excellent suggestion for the way forward. Paragraph 4 contains several offers from Professor Midwinter. The one that resonates with me and that the Finance Committee has brought up time and time again is analysing trends in individual portfolios. I would be particularly interested if Arthur Midwinter were able to provide information about trends in the communities portfolio.

I am also interested in cross-cutting issues. It has not been possible to get information about how those are dealt with in the Executive's budget at a level at which I feel comfortable that I can see what is happening. I know that others feel the same way; for that matter, ministers often feel the same way.

I would value it if Professor Midwinter were able to address those two issues. As we know, child poverty indicators have been batted around considerably, and I am sure that they will continue to be so. I would also be interested in them, but the two other issues I mentioned would have considerable value, and they relate to previous parliamentary debates.

**Mary Scanlon:** I welcome the fact that we will have an adviser, particularly if it is Arthur Midwinter. I have a couple of points to raise from last year. When I compared last year's budget with the previous year's, in one section of 10 group headings, five had changed, so it was difficult to track what had gone before. Should there be changes in particular headings? Can we be told under which headings certain issues were listed in previous years?

Apart from a definition of child poverty, I would like there to be a definition of social inclusion. If money is constantly going into social inclusion, can we ask Arthur Midwinter how the results can be measured and what we can take as signs of progress on social inclusion?

**The Convener:** Are we agreeing the approach as being the recommendations that are identified in paragraph 6 of the approach paper?

**Members** *indicated agreement.*

*Meeting closed at 12:20.*



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