



NFCC
National Fire
Chiefs Council

Private Rented Branch
Housing Division
Dept for Communities
Level 3
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

c/o 71-75 Shelton Street
Covent Garden
London
WC2H 9JQ
www.nfcc.org.uk

Sent via email to: prs@communities-ni.gov.uk

8th December 2022

Dear Sir/Madam,

The Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 2024

Please consider this letter as the response of the National Fire Chiefs Council (NFCC) to the consultation paper titled The Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) 2024 (the Regulations), which was published on 13 September 2023.

NFCC is the professional voice of the UK Fire and Rescue Services (FRS) and comprises a council of UK Chief Fire Officers. The vision of the NFCC is to improve safety in communities by working collaboratively with fire and rescue services, promoting national approaches where they work best.

Overall, the NFCC supports the proposed Regulations and associated Guidance believing them relatively easy to follow. We look forward to the improvements that they will bring to public safety, raising the health and safety standards in private rented properties. However, we ask that the following submission be considered.

The NFCC is committed to creating safer, healthier and more resilient communities. In support of this strategic objective, it is considered that improving the standard of fire detection within dwellings would contribute significantly to reducing fire casualties and fatalities and materially reduce fire losses arising from accidental fires.

In addition, it is important that public fire safety information and advice keeps pace with changing technical standards and technological advances and reflects the range of products being manufactured, supplied and retailed in the UK.

Moreover, NFCC is committed to making people safer in their homes by identifying and championing new and effective technological solutions to support the prevention or early warning of fire in the home.

Accordingly, we encourage the use of assistive technology (AT). AT is an umbrella term for any device or solution that assists someone in living a safe and healthy life while maximising personal independence.

It should be noted that AT is not an alternative to person-centred risk assessments or providing appropriate fire safety standards. A holistic approach that considers the person, their specific needs/risks and their living environment is essential.

The provision of AT is not confined only to those with age-related conditions; AT can be essential for a broad range of individuals who wish to live safe and healthy lives, as independently as possible, for as long as possible.

The Regulations

There is a notable concern regarding the scope of the proposed Regulations. It appears to echo England's initial approach, focusing solely on the private sector and excluding socially rented properties. This approach was later revised in England to include social landlords after realising its limitations. Scotland's approach, which mandates retrospective fitting of fire detection in all housing types, is more comprehensive and could serve as a model for these Regulations. Avoiding a segmented approach from the outset will ensure uniformity and prevent the need for future amendments. For this reason, the Regulations must universally apply to all housing sectors, including privately and socially rented properties. This uniform application is crucial to avoid creating a tiered system, ensuring equity and consistency in safety standards.

It is strongly recommended that bedrooms be included in Regulation 4.

It is suggested that a section be included in the completion process that outlines the responsibilities of both the landlord and the tenant/resident. The section should provide information to residents on the following topics:

- Complaints procedures
- Reporting of faults
- What to do in the event of a fire
- Maintenance – including servicing and testing by the landlord, as well as testing and non-tampering by residents
- Procedures for change of tenant/resident

Vulnerable occupants should have tailored fire safety provisions, such as those with mobility, cognitive, or sensory impairments. This includes installing BS5839 part 6 LD1 interlinked fire detection systems, potentially with monitoring capabilities. Including a standardised referral process within the legislation for safeguarding these individuals is also recommended.

Impact Assessment Document

Option 1 should be categorically dismissed from the proposed options due to its inadequacies or potential negative implications.

While Option 2 may be favoured, and understandably so, it should be adopted with the caveat that in building renovations, the default choice should be mains-wired interlinked systems. This preference is based on the higher risk of tampering associated with interlinked battery systems.

The example for cost estimation should be reconsidered. Given the concerns around lithium-ion batteries and the need for robust regulation and consumer assurances, exploring a more comprehensive selection of suppliers would be advisable.

Given the current reviews of BS5839 Parts 1 and 6, it is prudent to consider potential changes in fire detection location options. These reviews may advocate for fire detection systems in each room, which, while not currently a formal position, could have significant implications for safety standards and costs.

Guidance

3.1 Alarm Maintenance

It is proposed that any alarm within the property must be repaired or replaced by the landlord once notified of its faultiness. While this is a commendable approach to ensuring safety, I suggest a proportionate responsibility model. Specifically, the landlord should be responsible for replacing or repairing alarms unless it can be demonstrated that the fault arose due to the tenant's disregard or tampering. This approach balances safety obligations with financial fairness and encourages responsible tenant behaviour.

3.4 & 4.4 Access for Repairs

Access to properties for repair and maintenance purposes can be challenging. Mandating a cooperative approach between landlords and tenants is advised. This could include defined advance notice requirements for landlords and a reciprocal duty for tenants to grant access. Such a provision would facilitate necessary maintenance while respecting tenant privacy.

5.1 – 5.2 Testing of Safety Detectors

The regulations should outline a clear mechanism for landlords to ensure that smoke and carbon monoxide detectors are tested regularly by tenants. This could include tenants' need to maintain a log of these tests, potentially supplemented by periodic checks during routine maintenance visits.

10 Tenant Accountability

The regulations should clearly articulate the consequences for tenants disregarding their safety obligations despite the landlord's efforts to comply with legal duties. This could include a structured approach to warnings, penalties, and, in severe cases, eviction processes, always within the legal framework.

Stakeholders should be mindful of the flexibility offered by wireless interlinked battery-operated fire detection systems. This technology provides an efficient solution for meeting safety standards without extensive wiring.

To ensure a uniform and practical fire safety framework across all residential environments, it is imperative to consider broader aspects, such as the needs of vulnerable populations and the introduction of similar laws in other jurisdictions. This comprehensive approach will enhance the robustness and inclusivity of the proposed regulations.

Yours sincerely,



Rick Hylton

NFCC Prevention Committee Chair



Gavin Tomlinson

NFCC Protection and Business Safety
Scrutiny Committee Chair