



**NFCC**  
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The professional voice of the  
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11 January 2021

## **Domestic Smoke and Carbon Monoxide Alarm Consultation – Proposals to Extend Regulations**

To the Ministry of Housing, Communities and Local Government,

Please find attached the National Fire Chiefs Council (NFCC) response to the consultation paper published on 17 November 2020 titled *Domestic smoke and carbon monoxide alarms: proposals to extend regulations*.

NFCC is the professional voice of the UK fire and rescue services (FRS) and is comprised of a council of UK Chief Fire Officers. This submission was put together by the NFCC's Home Safety Committee, which is a key component of the NFCC's Prevention Coordination Committee and the NFCC Protection Policy and Reform Unit which has as one of its overarching objectives the promotion of a consistent and coordinated approach to fire safety regulation

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.

To summarise the key points covered within this submission, NFCC:

- Supports the proposed amendment to the [Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#) to require social landlords to ensure at least one smoke alarm is installed on each storey of the premises on which there is a room used wholly or partly as living accommodation. The NFCC played a key role in the introduction of the Smoke and

Carbon Monoxide Alarm (England) Regulations 2015 and believe now is the time to further build on these amendments and go further by covering all homes within this regulation.

These amendments would support objectives set out in the Social Housing White Paper, for social landlords to ensure every home is safe and secure. Extending the legislation to cover more residents within our communities, providing early detection of fire, is supported by the NFCC. The social rented sector is more prevalent to house the most vulnerable members of our community, ensuring detection is present and working in these homes is a positive move. The NFCC domestic detection position statement, (Jan 2020), goes further and reflects the need for wider detection in homes, more than just fitment in circulation spaces.

- Supports additional requirements on landlords to ensure that each prescribed alarm is in proper working order on the first day of every new tenancy and to repair or replace alarms if they are reported as faulty during the tenancy. However, we also believe a testing regime can be carried out through regular maintenance / inspection visits to ensure properties are within the regulations and occupiers are safe.

This is particularly important for those occupiers who are long term tenants or leaseholders or those who are vulnerable. These measures would complement proposals elsewhere that social landlords should – through resident engagement strategies as proposed in the draft Building Safety Bill, the GTI phase 1 recommendations and the Social Housing White Paper – inform their residents of the importance to test their smoke and carbon monoxide detectors (in line with BS5839-6 and BS EN 50291 respectively) as well as the recommendations of the Government’s FireKills Campaign.

- Supports amendments to [Approved Document J](#) to require that carbon monoxide alarms are fitted alongside the installation of fixed combustion appliances of any fuel type (excluding gas cookers). Building regulation requirements are tenure neutral and apply upon the installation of combustion appliances in all rented and owner-occupied homes.
- Supports proposed amendments to require landlords to install a carbon monoxide alarm in any room used as living accommodation where a fixed combustion appliance is used (excluding gas cookers). Extending this to private and social landlords is a welcome improvement in regulation.

Whilst the NFCC welcomes these proposed changes, we believe the regulations can be amended further to protect all residents and do not go far enough. This is outlined in more detail in our attached responses below.

We trust the attached submission is helpful and welcome further discussions following the outcome of the consultation.

Yours sincerely,

**Rick Hylton (on behalf of Neil Odin)**



**NFCC Prevention Committee Chair**

**Gavin Tomlinson**



**NFCC Protection and Business Safety  
Committee Chair**

## **Part A – Smoke Alarms**

**Q1: Do you support the proposal to extend the smoke alarm requirements as set out in the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to the social rented sector?**

Yes

**Q2: Please give your reasons**

Whilst the NFCC welcomes these proposed changes, we believe the regulations can be amended further to protect all residents and do not go far enough. The tragic events at Grenfell Tower in 2017, prompted the Scottish Government to establish a Ministerial Working Group to oversee a review of building and fire safety regulatory frameworks. This legislation harmonised the domestic legislation within Scotland so that all homes would have mandatory protection in the form of smoke, heat and Carbon monoxide alarms (Scottish consultation on fire & smoke alarms in Scottish homes).

Following the introduction of this legislation in Scotland, the NFCC is calling for mandatory legislation for all homes in the UK, predominately focusing on England, to have the appropriate detection throughout the home.

Strong evidence already exists which supports the move to mandatory fitment is the way forward. The legislation in place in Scotland – introduced following the Grenfell Tower Fire – should be introduced in England to ensure all people feel safe in their homes.

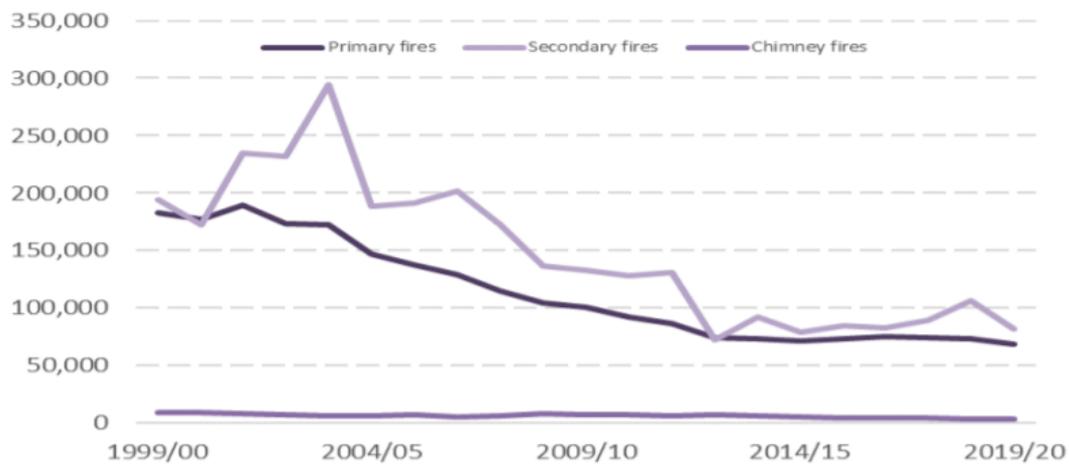
NFCC believes every home should have smoke alarms and no home should be unprotected. Despite the significant increase in ownership of working smoke alarms, dwelling fire fatalities still occur, even in properties where smoke alarms are fitted and working.

Advances in technology mean we have a greater understanding that different types of smoke alarms respond in different ways to some types of fires.

- Fitting a smoke alarm on every floor of a home should be recognised as a minimum standard (in a circulation space such as a hall or landing).
- It is recommended that, additionally, smoke alarms are fitted in every room in the house which is regularly inhabited (i.e. bedrooms, living rooms, dining rooms) based upon the fire risk to the occupants.
- NFCC recommends that the smoke alarm has a sealed battery compartment to prevent tampering or removal of the battery
- NFCC recommends an optical multi sensor smoke alarm with a ten year life span
- It is additionally recommended that a heat alarm should be fitted in the kitchen
- Where possible, these alarms should be inter-linked so that all will actuate within the property irrespective of the fire location.
- All smoke alarms (including hard-wired) should be replaced after ten years, or by the 'replace by' date indicated on the base or earlier if found to be defective.

The call for detection in all homes: *Incidents and Home visits*

Recent Home Office statistics show a general downward trend in the number of Primary fire incidents since 2003/2004. Although there will be many factors to this reduction, it does correlate with the introduction of the Home risk check program of all UK fire services.



(Fires attended by type of fire, England; 2003/04 to 2019/20: Home Office)

Specifically, accidental dwelling fires are also down 4% from 2018/19 and fatalities are at their lowest since 1981/82 at 243 (82% of fire related fatalities were in dwelling fires). There are signs that this reduction is starting to slow down and level off. The most common cause of death in fires is overcome by gas or smoke.

This reinforces the serious need for all homes to have early detection of a fire to give the occupiers a chance to get out of their property.

Home fire risk checks overall have been slowly reducing since 2010/11. There has been a positive increase in targeted home visits specifically targeted for the more vulnerable to fire deaths, people aged 65 and over. However, this has reduced in 2019/20. It is still the case that in general, the likelihood of dying in a fire increases the older you get.

There is an opportunity to better utilise the fire station based workforce to conduct more home and business fire safety checks in the community, and Government have recently provided additional investment via the Protection Uplift grant. This would have a positive impact on productivity and morale whilst providing an opportunity for FRS to invest in the development and training of staff. One outcome of having fewer fires to attend has been the need to increase training so firefighters are as safe as possible when they do attend emergency incidents. Fire station based personnel carrying out more routine fire protection work will improve their knowledge of the built environment and free up higher trained inspecting officers and fire engineers to deal with more complex buildings to support the new building safety regime.

The below graph shows the slow downward overall trend in Home visits:



(Fire prevention & protection statistics, England; April 2019 to March 2020: Home Office)

It can be concluded that the work of FRS has supported the reduction in fires and deaths. While fitting of alarms should be the landlord's responsibility, as highlighted by HMICFRS, there are signs that the visits are reducing, which could impact on the fitment of detection and advice in homes, and in turn could affect alarm ownership.

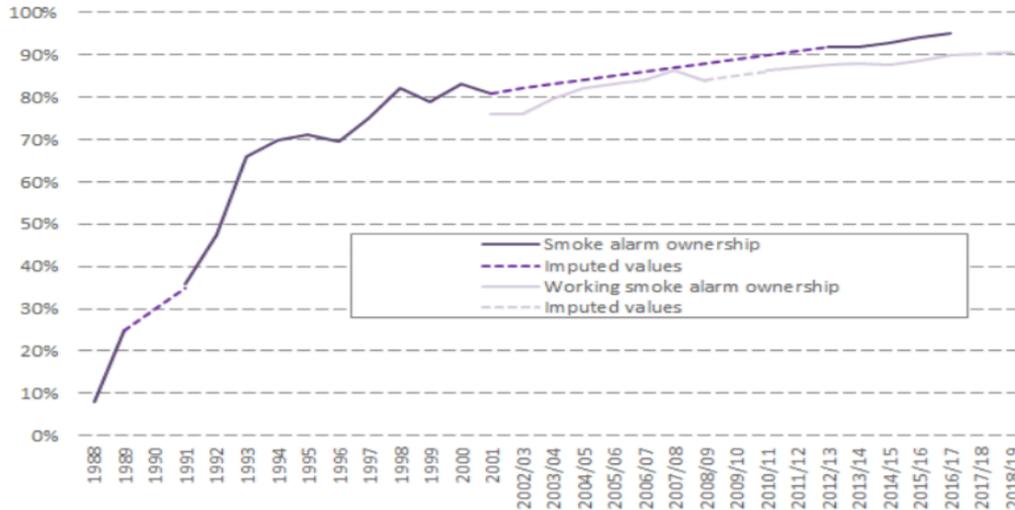
The State of the fire report also comments on the reduction of home safety visits:

*The Fire and Rescue National Framework for England, which services must have regard to, requires them to target their prevention work at: – people or households who are at greatest risk from fire in the home; – people most likely to engage in arson or deliberate fire setting; and – non-domestic premises where the life safety fire risk is greatest. Despite this, the number of home fire safety checks (including safe and well visits) carried out by FRSs has reduced by a quarter since 2011.*

If all homes are required to have detection, this would better enable FRSs to focus on those people most at risk and tailor their prevention work to ensure outcomes are reflected by a reduction in fire deaths and injuries and dwelling fires as a whole. Making this a legislative requirement for all rented properties will help residents feel safer in their own homes. It will continue to emphasise their safety and wellbeing is being kept at the heart of the reforms and changes being made, reflecting the expectations of the Building Safety Bill, Fire Safety Bill, and the recommendations of phase 1 of the Grenfell public inquiry.

The report concludes: *The trust that the public have in FRSs allows fire staff to access people's homes. Most services are good at identifying people who may be vulnerable for reasons other than fire, such as exploitation or abuse. They are also good at referring those individuals to appropriate agencies for help and support.*

The graph below demonstrates the positive news that smoke alarm ownership is at 91%. While positive, this ownership may be linked to proactive prevention work that FRS complete through home visits. If visits reduce then this could affect the behaviour of occupiers and reduce the alarm ownership due to lack of awareness. Care should be taken when interpreting percentages, for example, in 2016/17, 90% had at least owned a working smoke alarm, however, that still left 1.8 million people who did not have a smoke alarm fitted.



(Fire prevention & protection statistics, England; April 2019 to March 2020: Home Office)

Further measures would drive greater consistency in regulatory settings across the UK:

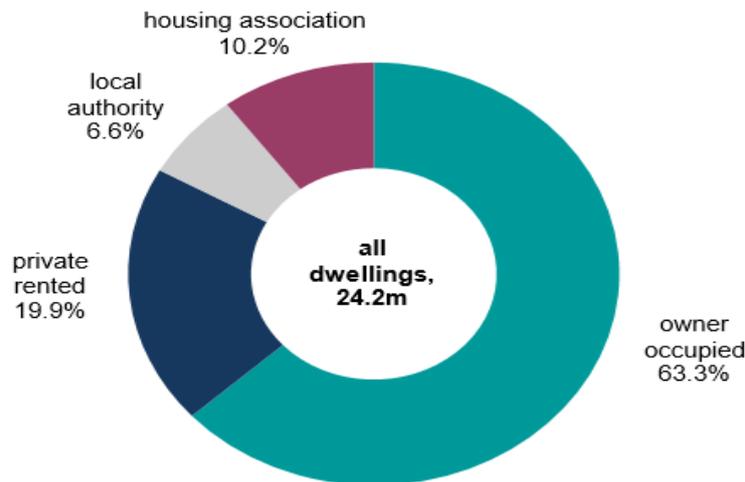
- All homes are now covered in Scotland, through the Scottish Housing Act changes in 2018.
- The Welsh Housing Quality Standard introduced in 2002 requires all existing social homes to have mains powered smoke detectors with a back up secondary power source on every floor of the property. This requirement must be met by the end of December 2020. At the most recent assessment 97.7% of all social homes in Wales met the smoke alarm requirements.
- Private rented homes are covered through the The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- The boat Safety scheme have introduced mandatory fitment for CO alarms within their check process and are now considering mandatory smoke detection.
- All new build single occupancy dwellings require detection.
- Regulatory Reform (Fire Safety) Order 2005, covers buildings including sleeping risk such as blocks of flats, student accommodation, and HMO's.

Following reviews in other parts of the UK, detection in all homes is now legislated for in Scotland – introduced following the Grenfell Tower Fire. Harmonising all parts of the UK to ensure all homes are covered, rather than selected homes only, would bring England up to date with more recent recommendations. This would make the rules easier for Responsible Persons and landlords to follow, and in turn promote better self-compliance.

FRS across the UK have been fitting smoke alarms for several years as part of its prevention agenda, which has been expanded into safe and well visits – or home safety checks – to assist those at risk or considered vulnerable. This must now be seen as an evidence base to support the use of legislation to keep all people safe through early detection in their homes.

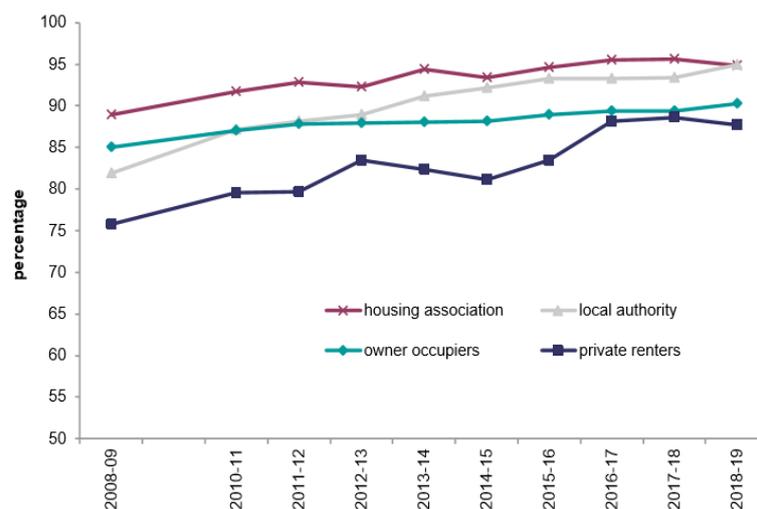
As highlighted above there has been progress introducing legislation for the mandatory fitment of alarms. The owner-occupied sector has not benefited from the same progress, which is surprising based on the higher quantity of ownership. In 2018/19 owner occupation remained the largest tenure group, with 15.0 million households, representing 64%.

It was reported in the English housing survey 2016/17 that Social tenants were more likely to have experienced a fire in the last 2 years based on the ratio fire per number of social tenants, however the size of the owner-occupied sector means that a greater number of owner-occupiers have experienced a fire than social and private renters combined. This demonstrates the wider need for regulation in the owner-occupied sector.



(English Housing Survey, headline report, 2018-19: MHCLG)

It is positive that smoke alarm ownership has increased, however the rise has been slower in owner-occupied and local authority / housing association tenure. Data from the English Housing Survey clearly demonstrates the benefits that mandatory legislation has had in the private rented sector. Expanding this to all homes and regions is a clear next step.



(English Housing Survey, headline report, 2018-19: MHCLG)

**Q3: Do you think that the guidance on where smoke alarms should be situated requires updating?**

a. Yes

**Q4: Please give your reasons**

Yes. The current guidance provides general information on where smoke alarms should be fitted in a property. Reference is made to the manufacturer's instructions regarding the specific placement of the smoke alarm being used. However, some further general information about the positioning and number of alarms given the size and layout of the property would be useful additional information. This guidance could be aligned to the NFCC position statement.

**Q5: Do you agree with the proposal that landlords should not be required to test smoke alarms during the life of the tenancy?**

b. No.

**Q6: Please give your reasons**

The *Charter for Social Housing Residents – Social Housing White Paper* expects the Regulator of Social Housing to introduce a set of Tenant Satisfaction Measures. Two of these measures relate to properties being in good repair, and building safety. The regular testing and maintenance of smoke alarms is fundamental to achieving these measures.

To absolve responsibility for landlords to do any testing of the alarms during the life of the tenancy does not appear to be consistent with these measures or those proposed in the draft Building Safety Bill. It is acknowledged regularly monthly testing by the landlord would be onerous for both the landlord and the tenant. The tenant is best placed to test their smoke alarms regularly and feedback any issues to their landlord.

However, landlords should be required to test alarms as part of their regular maintenance and inspection regimes of their properties. A requirement to test alarms on any occasion where landlords / their agents have cause to enter the property could bridge this gap and provide an additional safeguard to the tenant's regular testing. This is particularly the case where a resident is vulnerable.

Article 17 of the Regulatory Reform Fire Safety Order 2005 provides for a requirement that fire safety facilities, equipment and devices must be maintained. Whilst the Order only applies to the common parts of a residential building, the lack of regular testing and maintenance of alarms in private dwellings in multi-occupied buildings could have an impact on the management regime to keep the building and the residents safe. Therefore, a testing regime that is not solely reliant on the tenant and places some responsibility on the landlord, would be more in line with the requirements for maintenance in the common parts.

**Q7: Please provide examples of how social landlords could best support residents to test their smoke alarms regularly and safely.**

Wider understanding of testing can be communicated to residents on arrival to the property and through regular interactions / communications. Social landlords can utilise the Resident Engagement Strategies (proposed in the Building Safety Bill and the Social Housing White Paper) to provide regular advice and information to residents on alarm testing. There are now technologies where landlords can also monitor alarms remotely.

**Q8: Do you agree with our proposal that legislation be amended to create an obligation for social landlords to repair or replace smoke alarms, once informed that they are faulty?;**

a. Yes.

**Q9: Please give your reasons**

Please see below under question 10.

**Q10: Do you agree with our proposal that legislation be amended to create an obligation for private landlords to replace alarms once informed that they are faulty?**

a. Yes.

**Q11: Please give your reasons**

The proposals are supported by the NFCC and we believe it will create a consistent approach to the safeguarding of all residents' safety, whoever they are renting their property from. We would also like to ensure there is consistency of enforcement of these regulatory obligations in circumstances where non-compliance is found.

The *Charter for Social Housing Residents – Social Housing White Paper* has the aim of aligning the legal protections afforded to private rented sector tenants to tenants in the social sector. However, in its current draft, the Smoke and Carbon Monoxide Regulations 2015 creates an inconsistency of enforcement mechanisms available between itself and licensed properties covered by Parts 2 and 3 of The Housing Act 2004. These should be aligned to ensure consistency of enforcement in the event of non-compliance.

Under the Smoke and Carbon Monoxide Regulations 2015 there is a mechanism for local authorities to serve a remedial notice on private rented landlords where an alarm is not present, requiring landlords to fit one. Where this is not complied with the local authority can authorise these works and pursue for non-compliance via a penalty charge notice. However, this regime is not open to rented properties that either have additional HMO licences under Part 2 of the Housing Act 2004 or Selective Licences under Part 3 of the Housing Act 2004. In those circumstances the remedy for non-compliance is pursued under the Housing Act 2004 for a breach of licence conditions and the remedies available for pursuing non-compliance are not the same.

**Q12: Do you agree with our proposal to update our guidance document to ensure the choice of alarm meets relevant product standards?**

a. Yes.

**Q13: Please give your reasons**

a. Please refer to the NFCC position statement within Q2.

**Q14: Do you support the proposal to commence the regulations as soon as practicable following the laying of regulations?**

a. Yes.

**Q15: Please give your reasons**

The NFCC supports the proposal to commence the regulations as soon as practicable. The sooner the implementation of the regulations, the sooner there will be an enhanced regime in place that can be used to protect residents.

## **Part B – Carbon Monoxide Alarms**

**Q17: Do you support the proposal to amend the statutory guidance (Approved Document J) supporting Part J of the Building Regulations to require carbon monoxide alarms to be fitted alongside the installation of fixed combustion appliances of any fuel type (excluding gas cookers)?**

a. Yes.

**Q18: Please give your reasons**

NFCC supports amendments to [Approved Document J](#) to require that carbon monoxide alarms are fitted alongside the installation of fixed combustion appliances of any fuel type (excluding gas cookers). Building regulation requirements are tenure neutral and apply upon the installation of combustion appliances in all rented and owner-occupied homes.

**Q19: Do you think that the guidance in Approved Document J on where carbon monoxide alarms should be situated requires updating?**

Yes

**Q20: Please give your reasons**

The current guidance in building regulations part J where on carbon monoxide alarms are required to be fitted in dwellings where a solid fuel appliance is installed does not go far enough. The proposed changes will offer residents peace of mind and reassurance that there is a second line of defence with a fitted carbon monoxide alarm to alert them the presence of carbon monoxide and associated health risks, after ensuring their appliance has been fitted, serviced and maintained by a competent person.

**Q21: Do you think that the guidance in Approved Document J on what type of carbon monoxide alarm should be installed requires updating?**

No

**Q22: Please give your reasons**

The guidance in the Approved Document J is still current and in line with BS EN 50291, which is reviewed on a regular basis.

**Q23: Do you support the proposal to amend the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to require private landlords and social landlords to install a carbon monoxide alarm in any room used as living accommodation where a fixed combustion appliance of any fuel type (excluding gas cookers) is used?**

a. Yes

**Q24: Please give your reasons**

The proposed move from CO alarms fitted in rooms with installations of solid fuel appliances in a dwelling (Building regulation part J) to be amended to CO alarms fitted in rooms with all fuel type appliances installations in a dwelling, except for cookers is supported.

All fuel burning appliances have the same ability to release CO if not correctly fitted or maintained. The NFCC agree that the change covering all fuel types should simplify regulations allowing for easier understanding and interpretation.

**Q25: Do you think that the guidance on where carbon monoxide alarms should be situated requires updating?**

No

**Q26: Please give your reasons**

The NFCC believes the guidance is up to date and fit for purpose.

**Q27: Do you agree with the proposal that landlords should not be required to test carbon monoxide alarms during the life of the tenancy?**

b. No.

**Q28: Please give your reasons**

Please refer to our comments under question 5.

The *Charter for Social Housing Residents – Social Housing White Paper* expects the Regulator of Social Housing to introduce a set of Tenant Satisfaction Measures. Two of these measures relate to properties being in good repair, and building safety. The regular testing and maintenance of smoke alarms is fundamental to achieving these measures.

To absolve responsibility for landlords to do any testing of the alarms during the life of the tenancy does not appear to be consistent with these measures. It is acknowledged regularly monthly testing by the landlord would be onerous for both the landlord and the tenant. The tenant is best placed to test their smoke alarms regularly and feedback any issues to their landlord.

However, landlords should be required to test alarms as part of their regular maintenance and inspection regimes of their properties. A requirement to test alarms on any occasion where landlords / their agents have cause to enter the property could bridge this gap and provide an additional safeguard to the tenants regular testing. This is particularly the case where a resident is vulnerable.

**Q29: Please provide examples of how landlords could best support residents to test their carbon monoxide alarms regularly and safely.**

The NFCC response to this would be consistent with the response given to question 5.

Wider understanding of testing can be communicated to residents on arrival to the property and through regular interactions / communications. Social landlords can utilise the proposed Resident Engagement Strategies to provide regular advice and information to residents on alarm testing.

**Q30: We are proposing that legislation be amended to create an obligation for landlords to repair or replace carbon monoxide alarms, once informed that they are faulty. Do you agree?**

a. Yes

**Q31: Please give your reasons**

The NFCC response to this would be consistent with the response we have given in relation to same question concerning smoke alarms above.

The proposals are supported by the NFCC and we believe it will create a consistent approach to the safeguarding of all resident's safety, whoever they are renting their property from. We would also like to ensure there is consistency of enforcement of these regulatory obligations in circumstances where non-compliance is found. Please see further explanation above.

**Q32: Do you support the proposal to commence the requirements as soon as possible after laying amended carbon monoxide alarm regulations?**

a. Yes

**Q33: Please give your reasons**

The NFCC supports the proposal to commence the regulations as soon as practicable. The sooner the implementation of the regulations, the sooner there will be an enhanced regime in place that can be used to protect residents.