

**Item 5**

**Legislative Changes to Fire Safety in rented accommodation**

**Purpose of report**

For discussion and direction.

**Summary**

This report concerns the current legislation that exists under the Housing Act 2004, The Regulatory Reform (Fire Safety) Order 2005 and The Building Regulations 2000 on installation of smoke detection devices. There is currently, under current legislation, no provision to ensure such devices are fitted in rented domestic dwellings, though a Private Members' Bill has recently been tabled to bridge this legislative gap.

Members will receive a presentation on this issue from Councillor Mark Healey, Chairman of Devon and Somerset Fire and Rescue Authority.

**Recommendation(s)**

Members are asked:

- To receive and comment on the presentation by Cllr Mark Healey;
- To consider whether the LG Group would wish to lend its support to the Private Member's Bill tabled by Adrian Sanders MP.

**Action**

Officers to progress any agreed actions.

**Contact officer:**

Andy Newland

**Position:**

Executive Officer, Devon and Somerset FRS

## **Legislative Changes To Fire Safety In Rented Accommodation**

### **Background**

1. Devon and Somerset Fire and Rescue Service has attended six accidental fires in dwellings that have resulted in seven fatalities since April 2009. There was no working smoke detection and alarm in any of these dwellings.
2. Following a fatal fire in Yarcombe, near Honiton in May 2008 an Inquest was held in Exeter on 19 November 2009. The Deputy Coroner for Exeter and Greater Devon proposed to write to the Department for Communities and Local Government under Coroner's Rule 43 to request that "...there be a review and a response from the minister responsible about whether smoke detection could be made mandatory in rented domestic dwellings."
3. Accurate recent statistics are hard to find but it appears there are a disproportionate number of fire deaths and injuries in rented accommodation.
4. Legislation exists in Housing Act 2004, The Regulatory Reform (Fire Safety) Order 2005 and The Building Regulations 2000 but there is a gap for ensuring Smoke detection is fitted in rented domestic dwellings
5. Through discussions with local Fire Service Officers, Adrian Sanders MP has progressed a Private Members Bill – the Fire Safety (Protection of Tenants) Bill - to bridge this legislative gap to improve safety for those living in rented accommodation. Members are asked to note that, due to its positioning in the list of Private Members' Bills, there is a significant possibility that this Bill will not proceed.

### **Conclusion and next steps**

6. Members are asked to consider whether the LGA Group, through the Fire Commission, would wish to lend its support to the Private Members' Bill as detailed above and through Cllr Healey's presentation.
7. With regard to the presentation evidence to support the conclusions and recommendations, discussion as well as background information and references can be found in the Devon & Somerset Fire and Rescue Service short report "The Legal Framework for the Provision of Smoke Alarms in Dwellings".

### **Financial implications**

8. A full cost assessment would be part of any future legislation. The direct financial implications to the LG Group of supporting the Private Members' Bill are negligible