



Committee for Communities

OFFICIAL REPORT (Hansard)

Private Tenancies Bill: Northern Ireland Fire
and Rescue Service

18 November 2021

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Paula Bradley (Chairperson)
Ms Kellie Armstrong (Deputy Chairperson)
Mr Andy Allen
Mr Mark Durkan
Ms Ciara Ferguson
Mr Paul Frew
Ms Áine Murphy
Miss Aisling Reilly

Witnesses:

Mr Paddy Gallagher	Northern Ireland Fire and Rescue Service
Mr Geoff Somerville	Northern Ireland Fire and Rescue Service

The Chairperson (Ms P Bradley): I think that we have Paddy there; can we bring him in?

Mr Paddy Gallagher (Northern Ireland Fire and Rescue Service): Good morning, Chair and members. Can you hear me?

The Chairperson (Ms P Bradley): I can indeed, Paddy. Is Geoff joining you this morning?

Mr Gallagher: Yes. Just by way of introduction, I am the assistant chief fire and rescue officer in service delivery. I have with me Group Commander Geoff Somerville, who is our group commander for protection and is our subject matter adviser in relation to all aspects of fire safety. He was involved in our input during the development stage of the Bill. I am happy to go through our opening statement, if you are content, Chair.

The Chairperson (Ms P Bradley): Yes, Paddy. Is Geoff in the room with you?

Mr Geoff Somerville (Northern Ireland Fire and Rescue Service): Yes, I am.

The Chairperson (Ms P Bradley): That is OK. We were looking for two different devices, but that is grand. No problem. Go ahead.

Mr Gallagher: Thank you. The Northern Ireland Fire and Rescue Service (NIFRS) interest in the Private Tenancies Bill relates to clause 8, "Fire, smoke and carbon monoxide alarms, etc", and clause 10, "Electrical safety standards regulations". Clause 8 is intended to reduce the risk of injury or death

caused by fire, smoke and carbon monoxide in private tenancies. Clause 10 will assist in preventing a fire from starting due to an electrical fault, in addition to preventing electrical accidents.

During the development stage of those proposals, the Department for Communities consulted us, and we are encouraged that the advice that we provided is fully reflected in the Bill. One of the core functions of NIFRS is to promote fire safety by providing advice and encouragement about the steps to be taken to prevent fires and death or injury by fire. The proposals in clauses 8 and 10 will assist greatly in that regard. NIFRS is the enforcing authority for fire safety under the Fire and Rescue Services (Northern Ireland) Order 2006, which applies to the majority of premises types. Domestic premises, which include private tenancies, are excluded from NIFRS's enforcement remit, provided the property is not classified as a house in multiple occupation. A house in multiple occupation is defined by the Houses in Multiple Occupation Act (Northern Ireland) 2016. With regard to houses in multiple occupation, district councils are the enforcing authority for licensing and operation and NIFRS is the enforcing authority for fire safety.

The installation of automatic fire detectors is required in new houses, flats and maisonettes in order to satisfy building regulations. In existing houses in multiple occupation, the installation of an automatic fire detection and fire alarm system is required by NIFRS as the enforcing authority for fire safety. On 1 April 2019, when the Houses in Multiple Occupation Act (Northern Ireland) 2016 came into effect, a number of types of premises were removed from the definition of "a house in multiple occupation". That change meant that they would no longer be regulated by district councils through licensing or by NIFRS in respect of fire safety. Some of the premises types that were removed included, for example, houses converted into flats and student accommodation that is provided by a specified educational establishment and accredited by Accreditation Network UK or Unipol. The Private Tenancies Bill will assist in, once again, protecting tenants and reducing the risk from fire in those premises types when operated by a landlord.

The standard that applies for smoke alarms is British standard 5839-6:2019, fire detection and fire alarm systems for buildings. Part 6 of BS 5839 outlines the code of practice for the design, installation, commissioning and maintenance of fire detection and fire alarm systems in domestic premises. The justification for requiring smoke alarms to be fitted in domestic premises is well described in the introduction to the British standard, which states:

"In the UK, around 80% of all fire deaths and injuries occur in domestic premises, totalling over 300 deaths and around 9,000 related injuries each year."

Many of those who die are the most vulnerable in the community, namely elderly and socially deprived people. The installation of a fire detection and fire alarm system in premises can substantially reduce the risk of death or serious injury from fire. Indeed, the overall downward trend in annual fire deaths in domestic premises since smoke alarms in domestic premises were first given recognition in BS 5839-1:1988 is almost certainly attributable, in part, to the increasing use of smoke alarms. However, the number of deaths and injuries remains above a level that society regards as acceptable. It has been estimated that, in premises without smoke detectors, a substantial proportion of the fatalities from fire could be avoided if smoke detectors were installed. The fatality rate from fires in premises in which there is no working smoke detector is between two and three times the fatality rate in fires in premises in which a smoke detector is present and functioning correctly.

The Health and Safety Executive for Northern Ireland is the lead authority for carbon monoxide detection, and NIFRS also supports the proposals in that regard. The proposals on electrical safety standards will assist in preventing fires from beginning owing to an electrical fault, and NIFRS supports them.

To conclude, NIFRS fully supports the proposals made by clauses 8 and 10. We offer our full support to assist and advise as new regulations and guidance to support the clauses are developed in due course. That is my opening statement, Chair. Geoff and I will be more than happy to take members' questions.

The Chairperson (Ms P Bradley): That is grand, Paddy. Thank you for your briefing and your paper. It is extremely important that we get a briefing from you, and it is good to know that you worked with the Department on the development of the Bill. That is reflected in its final draft.

Clause 8 does not specify what alarms must be installed in the locations. Should we look at that? Should a specification be put down there? Throughout the Bill, we have words like "minimum standards" and things like that, which I hate, because none of us should be looking at minimum

standards; we should be looking at the very best standards that we can possibly enforce. What is your view on that, Paddy?

Mr Somerville: I will answer that question.

The Chairperson (Ms P Bradley): Go ahead.

Mr Somerville: We would strongly support the provision of guidance to support the Bill. The Bill, as it is worded, is entirely appropriate. The specification of alarm systems should be in a separate piece of guidance or a separate regulation. Really what you are looking at there is a fire alarm system that mirrors what has been required by building regulations since 2012, which is that a smoke alarm be installed on the ground floor and on every landing level in a property, and in what we call the principal habitable room — effectively, the living room — and in any high-risk room, if there is one, such as a boiler room inside a house. A heat alarm is also required in a kitchen. Since 2012, these have all been required to be hard-wired into a property's electrical wiring system, and we very much support that because we find that battery-operated alarms tend not to be checked as regularly as they should be. That requirement gives a lot more comfort where landlords are not visiting premises on a regular basis. The one option that we could discuss with the Department is interlinking smoke alarms. There is new technology that allows smoke alarms to be interlinked. For example, a fire in the kitchen would also alert the smoke alarm in the bedroom through a radio signal. In older properties, certainly, that is quite difficult to arrange, but we fully support those new technologies being used, as is the requirement in Scotland, for example, where smoke alarms should be interlinked.

To summarise what I am saying there, the clause, as it is worded, is entirely appropriate for the overall order, and we would greatly support more clarification on exactly what is required in the premises being provided in a supporting document or via regulation. Hopefully, that answers your question.

The Chairperson (Ms P Bradley): It does, Geoff. Thank you. You might not have the information, which is fair enough, but do you know offhand what percentage of private rentals still have the old, battery-operated smoke alarms? Is it the vast majority of private rentals?

Mr Somerville: Any property built since 2012 will have hard-wired smoke detection, as required by building regulations, but of course the majority of the housing stock in Northern Ireland is older than that. There are a fair few properties that have only battery-operated alarms or, in fact, no alarms at all. Having no alarms in a property does not provide any assurance for tenants or people related to them. The Private Tenancies Bill will affect roughly 132,000 properties, which will now be required to have working smoke alarms. That is a massive enhancement. There is a varied mix out there of battery-operated alarms and those that are hard-wired into wiring systems, but we do not have a percentage for each to accurately report on that. Unfortunately, we have no data on that.

The Chairperson (Ms P Bradley): That is not a problem. It was just in case you did.

I want to move on to HMOs. You said that the Bill would assist in once again protecting tenants. Do you think that something on information sharing between the Fire Service and councils on potential failures to adhere to the new requirements should be included in the Bill?

Mr Somerville: I am glad to say that, because the proposal is that councils will enforce and check that these smoke alarms are in properties, there will not necessarily be a need for information sharing. It could be information overload for the Fire and Rescue Service. Really, enforcement and action should be at a local level so that district councils can ensure that properties are brought up to standard. We operate in that same way with HMOs. If there is an issue with an HMO, for example, we are the enforcement authority and we address and follow that up. We have very good liaison relationships with the Northern Ireland HMO unit in that regard, but, of course, we are only talking about 4,500 properties there. The Bill relates to 132,000 properties. From a liaison point of view, simply due to the number of properties involved, there will not be a need to tell NIFRS if there is a defective smoke alarm in a property.

The Chairperson (Ms P Bradley): Yes. I suppose that, with the figures that you have put out, it would absolutely be information overload for the Fire and Rescue Service if it had to check and action all those properties.

You may not have the following information about HMOs, but how often are you alerted to incidents in HMOs around lack of smoke alarms and other fire safety measures?

Mr Somerville: I am glad to say that HMOs are very highly regulated in Northern Ireland. We find quite a small number of properties that do not have effective alarm systems. On the Northern Ireland Fire and Rescue Service website, we have an HMO guide that stipulates clearly what the fire safety standards in an HMO are required to be. The Northern Ireland HMO unit reinforces that when it licenses a property. Before it issues a licence, it will confirm that the person is aware that that fire safety guide is there. If that unit identifies any shortfalls, it informs the NIFRS of those. I am very glad to say that the number of offenders in that regard is quite low. We see only a handful of referrals from the HMO unit on an annual basis. We periodically inspect a number of HMOs as part of our risk-based inspection programme and will follow up on any that need action to be taken. The scheme for HMOs works extremely well.

The Chairperson (Ms P Bradley): That is good. Thank you very much, Geoff. I will open it up to members.

Ms Armstrong: Thank you very much, Paddy and Geoff. I want to tease it out a little more. It is not necessarily about HMOs but where you have private landlords renting out a flat in a block of flats. Do you think that it should be in regulations that those private landlords take responsibility? I am thinking about shared halls or shared spaces. Who takes responsibility for those? Do you think that that responsibility should be provided for in regulations?

Mr Somerville: Responsibility for shared spaces in those types of properties sits with the owner of the building. It is up to them to ensure that those spaces are maintained to the appropriate standard. If shared spaces within properties have measures installed for the protection of firefighters, such as firefighting shafts, smoke systems, roller shutters or fire doors — things like that — in common areas, the Fire and Rescue Service can enforce those facilities for the protection of firefighters.

For private flats, landlords should be required to ensure that there are working smoke alarms in the flats, as identified in the Private Tenancies Bill. With regard to common areas and the rest of the property, the British standard recommends that each flat is maintained as a self-contained unit, so there is actually no requirement to have a communal smoke alarm in certain areas of common flats, and that is appropriate. Flats are designed so that a fire should not spread beyond the compartment of origin. We have good examples in Northern Ireland where fires have been contained and we have not seen them spread beyond the flat of origin. Of course, everybody will think of the Grenfell disaster. That was a very extreme case and it is, thankfully, something that I do not expect ever to happen in Northern Ireland, because we have carried out a rigorous programme of inspection of high-rise properties in Northern Ireland, and we have not identified dangerous cladding to the same extent here as has occurred in England. It is a very different picture in Northern Ireland, in that the number of high-rise premises that we are dealing with is much lower, and, coming back to my main point, in those premises, we enforce rigorously the facilities for the protection of firefighters, which provide quite a bit of protection in those properties.

Ms Armstrong: Thank you very much. You are the first person who has actually given me clarification on that. It is much appreciated. That really does help. So it is the building owner's responsibility; that helps quite a bit. Thank you so much. That is all that I have, Chair.

The Chairperson (Ms P Bradley): Thank you. Does any other member have a question? Paul, go ahead.

Mr Frew: Thank you very much for your detailed presentation on the two clauses; clause 8 in particular, and then, of course, clause 10, which is basically an enabling clause. I am keen to explore what clause 10 could mean. Throughout our evidence-gathering on the Bill, I have asked a series of questions about the electrical testing regime. I am an electrician by trade, so I should know this, but I just want an up-to-date picture: what are the current requirements of the testing regime for domestic properties, especially with regard to electrical installation condition reports?

Mr Somerville: There is no testing regime for domestic properties. After a property is handed over from building control, a supplementary check of the electrical system will not be done unless a material change is made to that property. It will happen only if a significant change is being made to that property and an application was put in to building control. There would be a follow-up check of the

electrical system at that point. Currently, in domestic properties, no checks are carried out on that. That also then applies to private tenancies. Of course, clause 10 now suggests that a five-year fixed wire installation test should be carried out, which, again, will afford superb protection to the tenants of those properties and will mean that the properties and the people in them are much less likely to suffer the risks that are due to electrical faults. Those risks are twofold. Of course, electrocution is one of the main risks, and there is also the risk of a fire starting due to potentially faulty electrical equipment. The clause is designed to eliminate that risk or, certainly, bring it down as low as is reasonably practicable.

Mr Frew: Thank you very much for your expertise. So there is no statutory requirement, but is there guidance? Is there an advisory note that says that people should get their domestic properties tested every 10 or 15 years?

Mr Somerville: I do not know of any guidance in that regard. The electrical wiring regulations, and all that guidance, is a tome of information, and it is outwith my level of expertise. My understanding is that, for domestic properties, there is actually no requirement after a property has been built. However, I stand to be corrected on that. I do not know the detail well enough, but I am reasonably sure that that is the case.

Mr Frew: I am not sure what edition of the regulations we are at now. I can remember doing courses on the nineteenth edition, so I do not know where we are at. I am probably showing my age there.

It is great to have evidence from you guys. In your experience, have most of the deaths or injuries — and the fires, as you have mentioned — that have been caused by electrical faults been due mostly to the electrical wiring or the actual appliances that were plugged in? If it is the appliances, are they stationary white goods or portable equipment like radios, hairdryers, hair straighteners etc?

Mr Somerville: Portable appliances are beyond the scope of the Bill. The Bill is talking about fixed wiring electrical installation and ensuring that that is as safe as possible. It is beyond the scope of the Bill to look at private white goods. We are seeing quite a number of fires due to, for example, imported telephone chargers, where people are buying that type of stuff online and it does not necessarily have the correct Kitemark and certification as would be required in the UK, for example, because it is coming from overseas. Items plugged into the system are beyond the scope of the Bill, and it would not necessarily be appropriate to have legislation to that effect, because of the potential disruption that that would cause to tenants. The scope of the Bill is to make a property as safe as possible, and a fixed wiring test is a very good step in that regard. We do see fixed wiring installations that cause faults. We see consumer units going on fire. Sometimes in hot presses, for example, we see fires arising due to faulty water heating thermostats. That is the type of incident that we get that is connected to the fixed-wiring-type test, and the Bill will, of course, help to eliminate those.

Mr Frew: If we put the onus for that on the landlord, and we do need to do that, I worry then about portable equipment too. You say that it is outside the scope of the Bill at present, but should it be? If there are to be tests, should they be every five years or every other time a landlord registers, which, I think, will be six years? Is there a big difference between five and six years? By going five years, and then registering every three years, you would be out of step. For the sake of a year, and to regulate more effectively with regard to only being able to be registered if you have this test every other time, would that be acceptable to you?

Mr Somerville: That is acceptable. It is all about what is reasonably practicable for the industry. One key consideration is about making this easy for councils to implement. Whether it is five years or six years is less of a concern. What is more important is that periodic checks are being carried out and that certification is provided as part of the tenancy.

On of the main aspects of the Bill is that it will self-regulate, in that a complaint can be made by a tenant if they see, for example, a faulty smoke alarm and the fact that the fixed wiring test is out of date, because that information will need to be provided to the tenant, and then they can make a complaint. An important aspect of the Bill is making sure that it is not too onerous on councils to administer and enforce the legislation. The measures in there currently are appropriate in that regard.

Mr Frew: Whilst it should be the responsibility of landlords to make sure that their premises are safe, is there a danger that by having a stated time — five years or six years — if a fault occurs within one year, the landlord may neglect that and wait for years until it is time to get tested?

Mr Somerville: They key aspect there is that if a fault occurs within one year, for example, and the tenant makes a complaint to the council at that time, the council can ask for a further fixed wiring test to be carried out, which would be appropriate in the circumstances. That will be one of the avenues open to protect against such a scenario.

Mr Frew: Thank you very much. This is my final question. To be clear, you are saying that there should not be a requirement for periodic portable appliance testing (PAT)?

Mr Somerville: I just think it would be a difficult item to manage, because most of the portable appliances in properties belong to the tenant, and it would therefore be very intrusive, and actually very costly to the industry, to bring that in and organise it. From a purely practical point of view, it would not be appropriate for the scope of the Bill to include PAT for appliances that do not belong to the landlord. As part of our fire safety advice, the Northern Ireland Fire and Rescue Service provides significant amounts of advice about the safe use of electrical appliances, and we are continually beating the drum about how to make sure that plug sockets are not overloaded and that people use reputable equipment etc. All that stuff comes down to the prevention message that we put out, and, again, that can be supported by messaging in support of the Bill.

Mr Frew: OK. Thank you very much for your time.

The Chairperson (Ms P Bradley): No other member has indicated that they want to ask anything further. I thank you, Geoff and Paddy, for your time. It has certainly been very beneficial to us.

Mr Gallagher: Thank you.

Mr Somerville: Thank you very much.