



EDINBURGH TENANTS  
FEDERATION

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Edinburgh's Federation of Tenants' and Residents' Associations

## Proposed Social Housing (Automatic Fire Suppression Systems) (Scotland) Bill

### ETF Response

#### 1.0 Background

Edinburgh Tenants Federation (ETF) is the umbrella organisation for tenants and residents' groups in Edinburgh and a Registered Tenant Organisation (RTO).

ETF welcomes the opportunity to contribute to this discussion paper. The necessity for strong fire safety measures in Scotland cannot be overstated. The tragic events of the Grenfell Tower disaster are a reminder of the overwhelming effects that fire can have on individuals and communities. It is very important that all landlords review their approaches to fire safety.

#### 2.0 Introduction to Right to Housing and Human Rights Based Approaches

Before answering individual questions in more detail, we hope to set out some key points articulating the right to housing in international law, human rights based approaches and the role of the Scottish Housing Regulator in relation to these. The right to housing appears across a number of international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 11 (1) states:

'The State Parties to the present Convention recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.'

The right to housing has been further developed by the Committee of international experts which monitors the Convention (the Committee) in one of its General Comments. This sets out the essential elements of the rights to housing as:

'a) Legal security of tenure. Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and 2

Households currently lacking such protection, in genuine consultation with affected persons and groups;

(b) Availability of services, materials, facilities and infrastructure. An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services;

(c) Affordability. Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing related costs is, in general, commensurate with income levels. States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs. In accordance with the principle of affordability, tenants should be protected by appropriate means against unreasonable rent levels or rent increases. In societies where natural materials constitute the chief sources of building materials for housing, steps should be taken by States parties to ensure the availability of such materials;

(d) Habitability. Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well. The Committee encourages States parties to comprehensively apply the Health Principles of Housing prepared by WHO which view housing as the environmental factor most frequently associated with conditions for disease in epidemiological analyses; i.e. inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates;

(e) Accessibility. Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernible governmental obligations need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement;

(f) Location. Adequate housing must be in a location which allows access to employment options, health care services, schools, childcare centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants;

(g) Cultural adequacy. The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of 3

cultural identity and diversity of housing. Activities geared towards development or modernisation in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, inter alia, modern technological facilities, as appropriate are also ensured.'

The General Comment also stresses the importance of the participation of tenants within the development, delivery and monitoring of policy, which would include the activities of both the Scottish Housing Regulator and also of RSLs themselves. Beyond these specific elements, States Parties to the Convention (including the U.K. and by extension Scotland) are also bound by more general obligations in relation to economic and social rights, such as the right to housing as set out in Article 2 of ICESCR:

'To take steps, individually....and to the maximum of its available resources, with a view to progressively achieving the full realization of the rights recognised in the present Convention by all appropriate means, including particularly the adoption of legislative measures.'

Broadly speaking, this means that with respect to the right to housing, States Parties and public authorities within States must:

- Take immediate action to draft a strategy to realise the right to housing;
- Take immediate action to ensure non-discrimination in the realisation of the right to housing;
- Ensure there is adequate investment in realising the right to housing to the maximum of available resources; and
- Ensure that people's enjoyment of the right continues to improve and does not go backwards.

The Commission stresses that rights in international law are legal obligations and that public authorities in Scotland have duties to respect, protect and fulfil these rights, alongside their obligations to act in conformity with the Human Rights Act 1998. Given this context, it is critical that standards of regulation for Registered Social Landlords in Scotland are informed by international human rights law. All of these elements provide a useful framework for the regulation of Registered Social Landlords in Scotland and should also inform the Scottish Social Housing Charter, to which consultation both ETF and the Commission also made individual submissions.

Human rights based approaches have as their aim the realisation of international human rights laws, the right to housing being of relevance within this context. However, such approaches are also concerned with process and a number of rights based principles inform what this should be. The Commission uses the PANEL principles outlined below:

**Participation** – People should be involved in decisions that affect their rights. In this context, this could mean that tenants are able to inform the regulatory process, raise issues of concern, and set indicators against which RSLs can be held accountable.

**Accountability** - There should be monitoring of how people's rights are being affected, as well as remedies when things go wrong. This element of a human rights based approach is core to the activity of the regulator. It is critical that regulatory activity is informed by human rights norms and standards and that there are robust procedures to hold RSLs to account and provide appropriate remedies to tenants when things go wrong.

Non-discrimination - All forms of discrimination must be prohibited, prevented and eliminated. People who face the biggest barriers to realising their rights should be prioritised. Regulatory activity should include monitoring of the particular experience of specific groups of people to ensure that they are not experiencing direct or indirect discrimination in the realisation of their right to housing.

Empowerment - Everyone should understand their rights, and be fully supported to take part in developing policy and practices which affect their lives. The Regulator has a key role in ensuring that tenants know and understand their rights, and what they can do in the event that these rights are breached.

Law - Approaches should be grounded in the legal rights that are set out in domestic and international laws.

The following outlines ETF Members' response.

## 2.1 Which of the following best expresses your view of requiring fire suppression systems (i.e. fire sprinklers) to be fitted in new-build social housing?

Partially supportive.

**Please explain the reasons for your response, including what you see as the advantages and disadvantages.**

ETF believes that having the sprinklers in place to combat the threat of fires will bring peace of mind to tenants. ETF is aware that some local authorities in Scotland had taken steps to install fire suppression systems, prior to the Grenfell Tower Tragedy. Since 2009, Angus Council has fitted sprinklers into all new-build Council housing. In 2010 Fife Council also installed sprinklers in all its new social housing as did Dundee Council in 2017. The *Scotland Together* report noted that the professional opinion of reporting Fire Officers in the Fatal Fires Survey was that the use of sprinkler systems could have saved almost 80% of all accidental deaths in dwellings due to fire. In evidence to the Local Government and Communities Committee in September 2017, the Fire Brigades Union suggested that *'had a residential sprinkler system been fitted to Grenfell Tower, the initial fire that spread from a fourth floor kitchen to ignite the cladding would never have got beyond the fridge in which it started.'*

ETF is concerned about the additional costs that Fire Sprinkler Systems will have for tenants. If the additional costs for sprinklers rest on local authorities and RSLs building new homes, there is a very strong chance that the increased costs could impact on the eventual affordability of rent levels or reduce the available funding for future maintenance works. Tenants in Edinburgh already pay the highest rents in Scotland and rents will increase by a further 2% for 2018-2019. Many tenants are suffering from the effects of Welfare Reform, some will not be able to afford the annual rent increases that landlords enforce. The General Fund budget for all local authorities; including Edinburgh; has reduced for many years, so trying to find the necessary funds will be challenging. Additional funding from the Scottish Government must be made available to landlords to install sprinklers.

ETF is concerned that the sprinklers system could be abused by vandals, who would set them off deliberately and thereby cause severe damage to properties. Furthermore ETF is concerned about the sensitivity of the sprinklers system, for example, if someone lights a scented candle or a cigarette. This could cause unnecessary damage to properties.

**2.2 Which of the following best expresses your view of requiring fire sprinklers to be retrofitted into housing owned by social landlords which is located in high rise buildings built prior to 2005.**

Partially supportive.

**Please explain the reasons for your response, including what you see as the advantages and disadvantages.**

ETF is supportive of any measures that will reduce the risk of another Grenfell Tower tragedy.

As per our previous answer, ETF is concerned about the additional costs that this could bring to tenants. Therefore the Scottish Government must find ways to fund landlords. The fire sprinkler systems could be open to abuse which could have serious consequences. It should be noted that the fire hydrants in all multi-storey blocks in Edinburgh are checked twice per year to ensure that they are in good working order.

**2.3 Do you think there are other steps which could be taken (either instead of, or in addition to legislation) to achieve the aims of the proposal?**

Yes.

**Please explain the reasons for your response?**

ETF would like to see landlords communicating more with tenants. The new patch working system which has been introduced in Edinburgh should ensure that Council staff are doing this. Methods landlords should use include:

- Face to face contact, i.e. home visits and surgeries;
- Emails;
- Telephone calls;
- Newsletters.

ETF is in favour of a holistic approach that includes the use of education and fire safety checks by the Scottish Fire and Rescue Service. In addition, the Scottish Government should continue working with landlords to ensure they are doing everything possible to raise awareness of fire safety. In the aftermath of the Grenfell Tower tragedy, ETF held a number of public meetings which raised awareness of the steps the City of Edinburgh Council was taking to learn lessons from the tragedy and also to try to reassure tenants that their buildings were safe and secure. Public awareness raising events with various agencies present such as Fire and Rescue Services, Police and Landlord staff should be actively encouraged.

All Landlords should ensure that the cladding which was used in Grenfell is not used in any of their properties. Furthermore the cladding used in landlords' buildings should have passed the necessary safety tests.

**2.4 Taking account of both costs and potential savings, what financial impact would you expect a requirement to include fire sprinklers in new-build social housing to have on:**

**Government and the public sector**

Significant increase in costs.

**Businesses**

Significant increase in costs.

**Individuals**

Significant increase in costs.

**Please explain the reasons for your response?**

ETF believes that the cost of installing the fire sprinkler systems will be significant across all bodies. The Scottish Government's 2015 cost-benefit analysis listed the average costs incurred by both Fife and Angus Councils in installing sprinkler systems to new-build housing per flat/home as:

- Mains fed systems £1,734 (Fife) and £2,553 (Angus);
- Tank and pump systems: £4,845 (Fife);
- Misting systems £1,480.50 (Angus).

ETF acknowledges that the water supply costs can vary, depending on whether the system is linked to the mains or a tank and pump supply. Low water pressure was a problem for developments across Wales. Although there were no major additional water supply costs, there were a small number of developments that incurred additional charges for water supply connections requiring a larger than standard supply connection. ETF would be concerned if this was a regular occurrence in Scotland.

As ETF has stated in our previous answers, the budgets to local authorities have been cut in recent years, which will only add to the pressures facing them. Therefore the Scottish Government needs to find resources to give to landlords if they are to install fire sprinkler systems. Council tenants in Edinburgh already pay the highest rents in Scotland and many are suffering the effects of Welfare Reform. Therefore many tenants would struggle even more with their finances if their rent levels are increased further.

**2.5 Taking account of both costs and potential savings, what financial impact would you expect a requirement to retrofit fire sprinklers in housing owned by social landlords which is located in high-rise buildings built prior to 2005 Government and the public sector**

Significant increase in costs.

**Businesses**

Significant increase in costs.

**Individuals**

Significant increase in costs.

**Please explain the reasons for your response.**

This is mainly covered in our response to 2.3. The only additional points ETF would like to raise include:

- How will this affect blocks where Council tenants are in the minority? For example, in mixed tenure blocks where owners outnumber the tenants in the block. Owners may be reluctant to pay their share and this will affect tenants who want to have a fire sprinkler system introduced;
- Fire hydrants in high rise blocks across Edinburgh are already serviced twice per year at an added cost to tenants and homeowners.

**2.6 Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?**

No.

**Please explain the reasons for your response**

ETF would like to see the Bill look at ways in which tenants would not have to pay increased rents. However with many landlords embarking on a programme to build more social homes, it is doubtful whether rents could remain the same, especially if landlords do introduce Fire Safety Sprinklers.

The added uncertainty of Brexit and its implications for all landlords and tenants only increase the unpredictability of trying to reduce costs and or/increase savings.

**2.7 What overall impact is the proposed Bill likely to have on equality, taking account of the following protected groups (Under the Equality Act 2010): race disability, sex, gender reassignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity?**

Unsure.

**Please explain the reasons for your response**

ETF acknowledges that a high proportion of fires occur in areas of high deprivation and poverty, the Scotland Together report also states that older people who live alone are particularly at risk. The introduction of fire sprinkler systems would benefit the high proportion of older social housing residents who may suffer from hearing loss, lack of mobility or sensory impairment.

ETF believes that all forms of discrimination must be prohibited, prevented and eliminated. Regulatory activity should include monitoring of the particular experience of specific groups of people to ensure that they are not experiencing direct or indirect discrimination.

Landlords need to be able to demonstrate how they are meeting the Equality Act 2010, so there is no discrimination against different groups of people (protected characteristics). ETF is unsure about the impact that this proposed Bill will have on the protected groups (under the Equality Act 2010).

**2.8 In what ways could any negative impact of the Bill on equality be minimised or avoided?**

See response to 2.7.

**2.9 Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?**

Yes.

**Please explain the reasons for your response**

ETF has already raised concerns about the economic implications and how the money will be made available. If the additional costs for sprinklers rest on local authorities and RSLs building new homes, there is a very strong chance that the increased costs would impact on the eventual affordability of rent levels or reduce the available funding for future maintenance works. The Scottish Government must be able to provide additional funding to landlords to ensure that tenants are not paying extra on their rent. If the Scottish Government were to release the necessary funds to allow landlords to invest in fire sprinkler systems, then the Bill could be delivered sustainably.

If the sprinkler systems are either abused or vandalised, this will have severe environmental implications and could end up costing tenants.

**2.10 Do you have any other comments or suggestions in relation to a requirement for fire sprinklers to be fitted in new-build social housing?**

ETF supports any measures that will reduce the risk of fires in social housing. ETF believes that awareness raising is absolutely critical, for example educating tenants about the risk of fires and what steps they can take to reduce these risks. Educating about the risks of fires should start at secondary school age, with an emphasis on the dangers of starting fires and tampering with already implemented Fire Sprinkler Systems.

ETF is in favour of a holistic approach that includes the use of education and fire safety checks by the Scottish Fire and Rescue Service. This approach worked well in Edinburgh, to a degree, in the aftermath of the Grenfell Tower Tragedy.

ETF is supportive of the fact that Fire Sprinkler Systems have demonstrated that they can save lives. However there needs to be a recognition of what the costs will be for tenants, with many already having to pay extra as a result of Welfare Reform.

**2.11 Do you have any other comments or suggestions in relation to a requirement to retrofit sprinklers into housing owned by social landlords which is located in high rise buildings built prior to 2005?**

See response to 2.9.