

Private Landlord Home Fire Safety (Inverclyde) Practice Exemplar

Name and Timescales

The initiative focusses on Private Landlord Home Fire Safety Visits and launched in 2016.

Summary

An information sharing protocol has been established between the Scottish Fire and Rescue Service (SFRS) and Inverclyde Council Public Health and Housing Department, both are members of the Inverclyde Community Safety Partnership (CSP). Inverclyde Council Public Health and Housing Department are the lead agency for the management of private landlord registration in Inverclyde. This protocol outlines how information is exchanged between the two organisations in respect of private landlords and their legislative requirement in respect of 'The Repairing Standard'. This requires landlords to have satisfactory provision for detecting and warning of fires and states that a rented property must be 'fitted with suitable fire detection devices – at least one smoke alarm in the living room, one in every hall or landing and a heat alarm in every kitchen'.

Need for Initiative

As part of their commitment to building a safer Scotland, SFRS offers everyone in Scotland a free Home Fire Safety Visit (HFSV). During visits in Inverclyde concerns were raised by SFRS through the Inverclyde CSP that residents were directed by their landlord to obtain a free smoke detector and heat alarms from SFRS. In many circumstances SFRS staff identified that there was either no detection or the detection was defective inside a property, thus not meeting the requirement for having satisfactory provision for detecting and warning of fires and putting people at preventable fire risk in their homes. Discussions within the Inverclyde CSP identified an opportunity for a form of partnership working to ensure that landlords are complying with their legislative safety requirements and that tenants are safe from fire at home.

Aims and Objectives

The aims of the initiative are:

- Through HFSV, provide advice on fire safety in the home, a fire action plan and to provide and install automatic smoke alarms where necessary – ensuring that residents have effective measures in place to prevent and reduce fires at home.
- To ensure local private landlords are compliant with regards to registering a rental property as per Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004.
- To ensure that all private landlords are compliant with regards to the Repairing Standard in respect of satisfactory provision for detecting and warning of fires, which improves fire safety for tenants in their homes and reduces risk of injuries/fatalities through fires.

Delivery

During a HFSV, if a member of the public advises that they are renting from a private landlord or there is evidence that the property is privately rented and that there is no satisfactory provision detecting and warning of fires (i.e. a malfunctioning unit or none), the information is noted in a risk form. It is important to note that if SFRS identify a need for the provision of smoke/heat detection units, this will be provided regardless of tenancy.

The data sharing agreement developed between Inverclyde Council and SFRS allows the exchange of information, which includes the property address from SFRS to Inverclyde Council. This does not include any details of the tenant, and is only the address, ensuring it is compliant with data protection regulations. The property is then searched against the Scottish Landlord Register, where the details of the registered landlord can be obtained. If there is no property included, Inverclyde Council can carry out additional checks to clarify the status of the property.

A letter is sent to the private landlord advising of The Repairing Standard and the property fire safety requirements within, outlining their statutory obligations and possible enforcement action if this is not adhered to. If a private landlord has multiple rental properties, these are also included to ensure that all properties meet the legal requirements.

Successes and Challenges

Initially there were concerns around data protection and the legitimacy to share information. It was agreed that in order to ensure personal information of tenants was not shared, SFRS would advise of only the property address. This allows Inverclyde Council to check if the property is appropriately registered. In line that personal information is not inappropriately divulged, SFRS are contacted to advise that the private landlord has been contacted, but not given any of their personal details.

Issues around resources and staffing have been a challenge. It was anticipated that officers from Inverclyde Council would visit each property to ensure legal compliance but as staff work with a number of portfolios, it has proven challenging to visit them all.

There have been some unintended wider successes, checks against the private landlord database have shown that a number of properties have not been registered with the Local Authority and subsequent action has been taken against the Landlords. One visit raised a number of concerns by SFRS about the nature of the house, as a result Inverclyde Council supported the resident in terminating their tenancy as well as enforcement action against the Landlord.

In 2018 a new Community Safety Partnership Strategic Assessment was published that continues a theme of promoting fire safety in Inverclyde. As a consequence of this a Fire Safety Multiagency Tasking and Coordinating Group framework exists which seeks to identify other risk issues around fire safety.

Impact/Change

The Community Safety Partnership has established good links across a number of partners in Inverclyde. Any issues are articulated as early as possible to ensure that recurring problems don't happen. Following changes to community planning arrangements in Inverclyde, a review of the Community Safety Partnership was carried out during 2018 which introduced a strategic officers group for community safety in Inverclyde supported by two sub groups; one of which leads on the delivery of the Community Safety Strategic Assessment. The review also led to the introduction of a Fire Safety Multiagency Tasking and Coordinating Group which will coordinate all programmes and initiatives around fire safety. This group has previously focused on planning arrangements for the Bonfire Night but will in the future revise all partnership fire safety actions; including this particular work stream.

Reflections

One of the unintended consequences of the initiative is the sheer volume of additional work that has been generated in respect of landlord other properties that have been identified as a result. The Inverclyde Local Housing Strategy 2017-22 identified that 10% of households in Inverclyde live in the private rented sector so can be very difficult to check all properties to ensure legal compliance.

Given the outcome of the Scottish Government Ministerial Working Group and a requirement for smoke detection for all households by 2021 there is an opportunity to ensure that any lessons learned can help shape the approach in Inverclyde.

Additional Information

The Repairing Standard, contained in the Housing (Scotland) Act 2006, covers the legal and contractual obligations of private landlords to ensure that a property meets a minimum physical standard. More information on the Repairing Standard can be found at

<https://www.gov.scot/publications/repairing-standard/>

Guidance on satisfactory provision for detecting and warning of fires can be found at

<https://www.gov.scot/publications/fire-safety-guidance-private-rented-properties/>

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