

Fire Safety Guidance for Small Bed & Breakfast and Self- Catering Premises

February 2010

Introduction

The Federation of Small Businesses is Scotland's largest direct-member business organisation, representing around 20,000 members. The FSB campaigns for an economic and social environment which allows small businesses to grow and prosper.

The FSB was one of the first organisations to highlight difficulties being experienced by B&Bs across Scotland following the introduction of the new Act. We recognise the steps taken by the Scottish Government to try to address these concerns and welcomed the opportunity to take part in discussions on a way forward.

We acknowledge that some disagreement has arisen during the course of these discussions but, on balance, the consultation paper gives a fair account of differing views and areas of consensus.

We agree with the rationale behind this guidance as set out in the consultation paper: that these properties clearly present a low risk but that it is reasonable to take a slightly different approach compared to private dwellings. The discussion of levels of risk has caused some difficulty. It should perhaps have been anticipated at an earlier stage, that a more robust approach to providing credible evidence to inform this discussion was necessary.

In commenting on the new draft guidance, the FSB has considered the different levels of knowledge and measures already in place across the B&B and self-catering sectors, and the wide variety of types of premises covered by this guide. Achieving guidance which strikes the correct balance between clear, specific actions for business owners, yet is based on individual risk assessments of each property, while avoiding unnecessary costs for business, was always going to be difficult.

For these reasons the FSB feels that the draft guidance broadly achieves a good compromise which should lead to greater certainty at a manageable cost for the majority of businesses - subject to some additional comments provided below.

We hope that the Scottish Government will consider testing the guidance and FRA forms with businesses prior to finalising the document, in line with best practice suggested by the Regulatory Review Group for Scotland. Lastly, we look forward to continuing discussions with the Scottish Government on the implementation of this guidance and would be happy to provide further detail on any of the points raised.

Specific Comments

1. Scope

- Given the flexible use of bed spaces within many properties and to ensure broad inclusion of businesses that fall within the scope of this guidance, the FSB advocates simply the use of the area benchmark of 200 sq m.

2. Benchmarks

- The specific benchmarks appear to be a helpful checklist for small businesses on exactly what is required.

3. Smoke Alarms

- The FSB accepts the argument for inclusion of smoke alarms in bedrooms however this is on the basis that battery-operated, radio interlinked alarms are suitable. The inclusion of mains-wired systems was one of the key concerns about the suspended guidance, since this represents a costly and disruptive option for many properties.
- We would like assurances that concern about the impact on radio-interlinked systems in old buildings can be addressed in order to avoid the default position reverting to mains-wired systems.
- The wording in this section perhaps requires some adjustment or provision of examples to explain clearly what is meant by references to, for example, 'battery-operated, radio-interlinked alarms'.
- Furthermore, the wording that refers to changing to a mains-wired system in the future is not acceptable in its current format. We suggest that the wording 'you will want to consider' be changed to 'you may want to consider' to avoid any ambiguity – such a system is either required as a minimum or it is not, it cannot become a minimum standard following minor redecoration in a property.

4. Doors

- We accept the use of concealed self-closers for B&Bs, however this section needs to be clearer since it could be potentially be interpreted in different ways. We understood that the presumption would be that self-closers would not be necessary for self-catering and we need to ensure that by suggesting examples where they might be appropriate, this does not again allow 'best practice' to become the requirement. We would be happy to discuss wording with the Scottish Government.

5. Appeals

- The advice provided on disagreement is clear. We would query whether FRSs are required to provide this advice at the same time as issuing any advice and/or enforcement notices? This may help to ensure businesses are aware of this information.

6. Transition

- The FSB has consistently suggested that a transition period will be required to allow businesses to introduce any necessary measures and to spread the costs of any necessary investment – bearing in mind that some businesses will have to spend more than the best case costings provided. We would therefore advocate a two-year transition period.

7. Fire Risk Assessment

- The FRA guidance seems clear and helpful. Some businesses find it useful to have a form that can be completed while walking round the property, while others might prefer to have an electronic form.

8. Training

- We maintain that the culture and attitude of frontline FRS staff is absolutely critical to the successful implementation of new guidance. We recognise that the Scottish Government has indicated the need for consistent application of the guidance.
- We are pleased that senior representatives from FRSs share our desire for a modern enforcement regime that recognises compliance, rather than enforcement, is the goal. The FSB feels that the Regulatory Review Group may have a useful role to play here and, again, we look forward to maintaining a dialogue with the Scottish Government on this issue.

9. Costings

- We see no reason to question the validity of the costings provided however it should be remembered that not all businesses will feel able to implement all measures themselves without assistance and that this may lead to additional costs.

For further information, please contact Susan Love, Policy Manager on susan.love@fsb.org.uk or 0141 221 0775