

Ref: SL/3015.05

15th November 2005

Dear Sirs

FIRE SAFETY IN SCOTLAND DRAFT REGULATIONS

Thank you for giving us the opportunity to give our views on the above.

I have enclosed comments on the Federation's views and hope you find them useful.

If you wish to further discuss any of the comments please contact Susan Love our Scottish Policy Development Officer on telephone: 0141-221-0775 or by e-mail Scotland.policy@fsb.org.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andy Willox', written in a cursive style.

Andy Willox
FSB Scottish Policy Convener

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Fire Safety in Scotland - Draft Regulations

Response from the Federation of Small Businesses in Scotland

1. Introduction

- 1.1. The Federation of Small Businesses is Scotland's largest direct-member business organisation, with almost 19,000 members. The FSB campaigns for an economic and social environment which allows small businesses to grow and prosper.
- 1.2. The draft regulations will affect the majority of small businesses in Scotland. The FSB has believes that the ongoing dialogue with the Scottish Executive on the development of these regulations has been helpful and welcomes this opportunity to comment on specific aspects of the draft regulations and the accompanying draft Regulatory Impact Assessment (RIA).

2. Regulation 3

- 2.1. It may be helpful to define more clearly what is meant by "regularly" as set out in Regulation 3 (1).

3. Regulation 6

- 3.1. The Federation continues to believe that regulation 6 (a) should refer to five employees working on the premises in question, in order to avoid unnecessary assessments where less than five employees actually work on the premises. If the Scottish Executive is unwilling to make this change then it would be helpful to make this point clearer e.g. five employees - regardless of location.

4. Explanatory Note

- 4.1. Throughout the note the provisions relating to specific regulations are regularly described as follows:

"This regulation continues, with modification and extension, the general fire safety provision of regulation (insert number) of the 1999 regulations."

- 4.2. For the purposes of the RIA it would be better to explicitly set out for each regulation what the 'extension' to the existing regulation entails so that we can be clearer on any changes which may result in added burdens (however slight the impact may be). We understood that the draft regulations would result in very little change to existing regulations but this does not seem to be the case when reading the note which appears to indicate an extension to almost every existing provision.

5. Draft Regulatory Impact Assessment

- 5.1. The Federation welcomed the opportunity to assist the Scottish Executive in the development of the RIA though we acknowledge that many of the figures are merely rough estimates –

indeed, the estimated impact provided in the RIA suggest a net saving of between £244,800 and £86 million to implement the regulations, which seems a bit vague.

- 5.2. Nonetheless, we believe that most of the figures provided regarding changes in costs both for businesses and fire authorities are helpful. We remain concerned that fire authorities will seek to offset the predicted lost income from the fire certification process by increasing fees for services to commercial customers and we have previously highlighted these concerns to the Scottish Executive.
- 5.3. We are not sure that the above point about costs to fire authorities has been fully explored in the RIA. The RIA goes half-way by setting out the time (and associated cost benefits) saved by fire authorities as a result of no longer carrying out fire certificate inspections and on the other hand outlining the lost income from this process. However, the real cost to fire authorities will depend on what they decide to do in terms of numbers and cost of new inspections under the Integrated Risk Management Process. This could potentially 'balance the books' by increasing charges to cover the proposed new inspection regime but there could be a variety of outcomes in terms of costs/savings.
- 5.4. The Scottish Executive may be interested in noting the attached document produced by the Association of British Insurers in association with the FSB and CBI in England. Please note that this is a draft version of the Charter.
- 5.5. The Federation notes the comments regarding a publicity campaign to raise awareness of new regulations however we hope that we may continue discussions with the Scottish Executive on this matter, particularly regarding the suitability and adequate distribution of materials to small businesses.

For further information on any of the points raised in this submission, please contact Susan Love, Policy Development Officer, on scotpu.policy@fsb.org.uk or 01259 723713