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The Chief Officer

19 December 2008

Dear Chief Officer

Dear Chief Officer (Scotland) Letter

You will be aware that concerns have been raised with Ministers about the enforcement of fire safety for small bed and breakfast accommodation providers. The concerns raised suggest that the guidance on which compliance and enforcement is based may be resulting in expensive and unnecessary fire safety measures being put in place which are not proportionate to the risks. Similar concerns have also been raised by the Regulatory Review Group and the Federation of Small Businesses.

At the recent Ministerial Advisory Group meeting, chaired by Mr Ewing and including representatives of fire board conveners and Chief Officers, it was agreed that guidance for this sector would be withdrawn. It was further agreed that a working group, including tourism industry representatives, will be convened to produce new guidance, which will be subject to full consultation. As a consequence, the scope of the existing guidance document 'Practical Fire Safety Guidance for Small Premises Providing Sleeping Accommodation' (small guide) will be amended.

Accordingly, the benchmarks in the small guide should not be used in respect of those bed and breakfast establishments where guests are accommodated in the proprietor's own home and which fell within the scope of the small guide in terms of size (paragraph 5 of Chapter 2 of the guide). However, the 'small guide' will remain in place for other sectors.

Chief Officers will wish to take this information into account in determining their Service's activity in the enforcement of the fire safety duties in Part 3 of the Fire (Scotland) Act 2005, as amended. To avoid conflict with the revised guidance, which shall be issued as soon as practicable, enforcement officers should no longer rely on the benchmarks in the small guide as being appropriate for small bed and breakfast type establishments. It is therefore recommended that fire and rescue services reschedule their routine audit and enforcement activity in this sector until such time as the revised guidance is available. However, cases where serious risk is discovered should still be acted upon and prohibition notices issued where appropriate and complaints regarding fire safety in premises should continue to be investigated.

Yours faithfully

A handwritten signature in black ink, appearing to read 'B Fraser'.

Brian Fraser
Head of Fire and Rescue Advisory Unit