

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT SMOKE AND CARBON MONOXIDE
ALARM (AMENDMENT) REGULATIONS 2022

Monday 20 June 2022

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Friday 24 June 2022

© Parliamentary Copyright House of Commons 2022

This publication may be reproduced under the terms of the Open Parliament licence, which is published at www.parliament.uk/site-information/copyright/.

The Committee consisted of the following Members:

Chair: GRAHAM STRINGER

† Amesbury, Mike (<i>Weaver Vale</i>) (Lab)	Lopresti, Jack (<i>Filton and Bradley Stoke</i>) (Con)
† Benn, Hilary (<i>Leeds Central</i>) (Lab)	Sheerman, Mr Barry (<i>Huddersfield</i>) (Lab/Co-op)
† Benton, Scott (<i>Blackpool South</i>) (Con)	† Stewart, Bob (<i>Beckenham</i>) (Con)
† Blomfield, Paul (<i>Sheffield Central</i>) (Lab)	† Sturdy, Julian (<i>York Outer</i>) (Con)
† Dines, Miss Sarah (<i>Derbyshire Dales</i>) (Con)	† Syms, Sir Robert (<i>Poole</i>) (Con)
† Eagle, Maria (<i>Garston and Halewood</i>) (Lab)	† Watling, Giles (<i>Clacton</i>) (Con)
† Greenwood, Lilian (<i>Nottingham South</i>) (Lab)	† Young, Jacob (<i>Redcar</i>) (Con)
† Hughes, Eddie (<i>Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities</i>)	Christopher Watson, Seb Newman, <i>Committee Clerks</i>
† Johnston, David (<i>Wantage</i>) (Con)	
Lewis, Clive (<i>Norwich South</i>) (Lab)	† attended the Committee

The following also attended (Standing Order No. 118(2)):

Bottomley, Sir Peter (*Worthing West*) (Con)

Second Delegated Legislation Committee

Monday 20 June 2022

[GRAHAM STRINGER *in the Chair*]

Draft Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

6 pm

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Eddie Hughes): I beg to move,

That the Committee has considered the draft Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022.

It is a pleasure to serve under your chairmanship, Mr Stringer. This statutory instrument was laid before the House on Wednesday 11 May 2022 under section 150(9) of the Energy Act 2013 and section 250(6)(f) of the Housing Act 2004. I hope hon. Members will agree that, only days after the fifth anniversary of the tragedy of Grenfell Tower, it is both appropriate and fitting that we are meeting today to discuss strengthening safety standards in the social housing sector. In the aftermath of the disaster, the Government committed to putting in place much greater protections for residents against the risk of fire and carbon monoxide in their homes.

Hon. Members might recall that we published a social housing Green Paper seeking the public's view on the proposals to create parity between the private rented sector and the social rented sector on safety standards. It will come as no surprise to hon. Members that the overwhelming majority of respondents were in favour. We have subsequently built on those proposals with our social housing White Paper to drive up standards across the board in the social housing sector and make sure that all tenants live somewhere that is decent, safe and secure. To deliver on that vision, we are amending the regulations to bring requirements for social homes in line with private rented homes. I am delighted to be the Minister taking this legislation through, given the fact that I proposed something similar in my ten-minute rule Bill as a Back-Bench MP in 2018.

Currently, the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 make it mandatory for private landlords to install smoke alarms on every floor of a home that they let. Carbon monoxide alarms must be installed in every room with a solid fuel-burning appliance such as a log-burning stove or a coal fire. At present there are no such requirements for social landlords, and that is despite the Home Office suggesting that someone is around eight times more likely to die in a fire if they do not have a working smoke alarm in their home. Hon. Members might also be shocked to hear, as I was, that there are on average 20 deaths from accidental carbon monoxide poisoning each year in England and Wales. So let us be clear: smoke alarms and carbon monoxide alarms save lives.

Through this statutory instrument we will amend the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 so that they replicate those for the

private rented sector. The changes will mean that for the first time all social rented homes in England will be required by law to have smoke alarms installed. Specifically, social landlords will need to make sure that at least one smoke alarm is installed on the floor of a home where there is a room used for living accommodation. All landlords, regardless of tenure, will need to install a carbon monoxide alarm in rooms that are used for living accommodation but which have a gas boiler or similar appliance, or a solid fuel-burning appliance. That does not include gas cookers, which are responsible for fewer incidents of carbon monoxide poisoning than gas boilers.

These strengthened regulations will also require all landlords to repair or replace a faulty alarm as soon as they practically can.

Hilary Benn (Leeds Central) (Lab): Does that obligation on the landlord extend to replacing the battery? If someone has a smoke alarm that is beeping because the battery has run out, does that obligation fall on the tenant or the landlord?

Eddie Hughes: I suggest that it would be the responsibility of the tenant, only in as much as they would want that done quickly. However, if they were unable to afford to do that, I suspect that the social landlord would take that up. I guess it is a question of proportionality and speed. Tenants would want it done quickly, and it is unlikely to be something that a social landlord would prioritise, given the other calls on their time.

The changes will not just make it easier for tenants to detect a fire in their home. They will also protect them from the risk of carbon monoxide fumes, which are undetectable and can cause serious illness or death. We will update guidance on the placement of smoke and carbon monoxide alarms, and on the types of alarms that need to be installed, so that landlords have absolute clarity on what they need to do to meet the standards.

On the timescale for the changes, I am sure that hon. Members will agree that a lengthy delay between regulations being made and taking effect could put lives at risk. We have therefore decided that 1 October 2022 is an appropriate date for the regulations to come into force. Landlords have known about the changes for a while now, but that gives them a little more time to get everything in place before the regulations come into force.

To conclude, the regulations will save lives and give thousands of households reassurance that they are receiving the best possible protection from the risks of fire and carbon monoxide in their home. We are determined to ensure that the reforms set out in the social housing White Paper, including these changes, will drive up standards so that people across the country have a safe and decent home to live in. I hope that colleagues will join me in supporting the draft regulations. I commend them to the Committee.

6.6 pm

Mike Amesbury (Weaver Vale) (Lab): It is an honour, once again, to serve under your chairmanship, Mr Stringer. I thank the Minister for providing the detail of the draft regulations to make smoke and carbon monoxide alarms mandatory in social housing from 1 October this year. As the Minister said, they come just as we commemorate

the fifth anniversary of the Grenfell Tower tragedy, in which 72 people lost their lives. We have seen where a race to the bottom can lead, and how a culture of deregulation—the bonfire of red tape—has total disregard for human life, with tragic consequences.

I have a couple of points on which I will press the Minister. First, accidental carbon monoxide poisoning kills an average of 20 people each year in England and Wales, as he said. Although I understand that gas cookers cause fewer cases of poisoning than gas boilers, surely we want to reduce harm as much as possible for everyone, regardless of the status of the appliance. It does not seem like the greatest leap or a real burden to ask landlords to do both. Do the Minister and the Department hold any information about the potential addition to the reduction in poisonings and deaths that could come from including cookers in future regulations? I do not require an immediate answer. I am sure that the Minister and the Department can write to me and the Opposition about that.

Secondly, on the topic of the types of alarms used, too often—as my right hon. Friend the Member for Leeds Central pointed out—batteries are used, which need to be changed every six months in some cases. In lots of cases, they might be removed from the ceiling and put in a drawer by the tenants. That seems to be an omission, and something that needs to be strengthened in the not-too-distant future. Has the Minister made any assessment of the potential impact of requiring interlinked concealed battery alarms, which last up to 10 years? I believe that that is the requirement in Scotland, along with a linked heat alarm in the kitchen. Has the Minister looked at whether bringing the regulations into line with their Scottish counterparts would further prevent deaths from carbon monoxide poisoning and, indeed, fire?

Finally, the penalty for non-compliance stands at £5,000, which brings it in line with those set as part of the private rented sector regulations passed in 2015. However, given that we know just how dangerous it can be not to have working fire alarms or smoke alarms, and how many lives could be saved, does the Minister think there is an argument for increasing the penalty, especially when other civil penalties for landlords, under the 2004 Act, go up to £30,000 for offences related to failures to comply with improvement notices for the licensing of houses in multiple occupation?

As I have said, I want to give my full support and that of Her Majesty's Opposition to the introduction of these regulations. However, we would certainly like to see them go further, for the sake of public safety, in order to prevent tragic deaths in the future.

6.10 pm

Maria Eagle (Garston and Halewood) (Lab): It is a pleasure to serve under your chairmanship, Mr Stringer. I begin by congratulating the Minister on introducing something he wanted to introduce as a Back Bencher. That does not always happen when one is a Minister, so he should enjoy it while he can. He is doing the right thing.

There are a couple of points I would like the Minister to deal with. One was alluded to by my right hon. Friend the Member for Leeds Central, who asked whether replacing a battery counts as a repair. My own view is

that it probably does not, but it possibly ought to. We are left with some ambiguity as to who would be responsible. It is easy to say, "Surely the tenant will just replace the battery," and many tenants will, but not everybody can. Some tenants are elderly and live alone, or they may be disabled, so they cannot reach up to change the battery. Indeed, some people cannot afford things such as batteries. I just wonder whether a little more clarity in the regulations might help make it absolutely clear whose responsibility this is, because they seem slightly ambiguous.

At the back of this instrument is something called an explanatory note, which I cannot say I have seen that often—if at all—in an SI. I am probably wrong; they are probably published all the time. We also have an explanatory memorandum, although I am not quite sure what the difference is. The explanatory note says:

"An impact assessment of the effect of this instrument on the costs of business, the voluntary sector and the public sector is published with this instrument on www.legislation.gov.uk".

However, when one goes to that website for this instrument, it says that no such impact assessment has been published—there isn't one, which is not very "explanatory". If that is the explanation in the explanatory note, I am not sure what the explanatory note adds.

However, in the explanatory memorandum, there is reference to an earlier impact assessment that was done during some of the consultation. One assumes—perhaps the Minister can confirm one way or another—that that impact assessment was thought to be adequate and that things have not changed since it was done. If that is the case, the wording in the explanatory note and on the website can be said, at best, not to be helpful. I felt like I was being sent round in circles between the explanatory note, the explanatory memorandum and www.legislation.gov.uk. That could have happened on an instrument that we did not all essentially agree on, which could have caused us significantly more problems as a Committee. Perhaps the Minister can take that point back and suggest that sending people around the houses is not very helpful. If we are going to add an explanatory notes, they should at least explain or help in some way, rather than hinder.

The 2015 regulations, which the changes before us will helpfully improve—I think that is a good thing—were previously reported by the Joint Committee on Statutory Instruments for

"doubtful vires, defective drafting and unexpectedly limited use of powers."

I cannot think of too many instances where the Joint Committee has a go at Ministers for

"unexpectedly limited use of powers."

I imagine that that must be a first. However, is the Minister now satisfied that the problems highlighted by the Joint Committee at that time have been fully remedied by these regulations, or does he think that there is still work to be done to deal with the criticisms that the Joint Committee made in 2015? These things have taken a long time, particularly given the serious consequences of not having smoke and carbon monoxide alarms. The Minister himself referred to the mercifully small but none the less significant number of people who are killed but who may have been saved had there been smoke or carbon monoxide alarms, and in that sense, time is of the essence.

[*Maria Eagle*]

Having made those points, I am happy to endorse the Labour party's support for the regulations, but I would like to know whether more work is planned.

6.15 pm

Eddie Hughes: First, the responsibility for batteries and their replacement would fall to the tenant, and we will issue guidance that says so, but given that we are talking about social housing providers, it would be lovely if social housing landlords decided to act with a degree of social conscience and assist those who are unable, for whatever reason, to get their alarm working by replacing the battery. Should tenants replace the battery and find that the device is still faulty, the responsibility would fall to the landlord.

We have considered the point about whether alarms should have batteries or should be wired in, and the other suggestions. From a proportionality point of view, it seems appropriate that we stick with the wording in the regulations and do not prescribe, but allow, batteries. We are keen to roll out the measures and get the alarms in place as quickly as possible, as several million properties will require them, and hardwiring them would delay things further.

On the impact assessment, I completely apologise that the hon. Lady was sent around in circles. I guess we are not used to people being quite so diligent in their preparation for a Statutory Instrument Committee. That is a valuable lesson for me, as Minister, to ensure that we are appropriately prepared in future. I am happy to send her a copy of the impact assessment. On the issues raised by the Joint Committee, we are assured—I, personally, feel assured—that the regulations are robust and will deliver as expected.

Finally, a £5,000 penalty is a proportionate and sufficient deterrent. We are talking broadly about social housing providers, which will have a system to implement and will be organised and thorough in doing so—especially in the light of the pressure and focus on them in a post-Grenfell world—and I would like to think that they will comply as a matter of course. The £5,000 penalty will be sufficient motivation for those that otherwise would not. I commend the regulations to the Committee.

Question put and agreed to.

6.18 pm

Committee rose.

