

Citizen Participation and Public Petitions Committee

13th Meeting, 2022 (Session 6), Wednesday 28
September 2022

PE1940: Permit Nest Protect as valid system
under new Fire and Smoke Alarm law

Note by the Clerk

Petitioner	Campbell Wild
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to permit Nest Protect as a valid system under the new Fire and Smoke Alarm law coming into force in February 2022.
Webpage	https://petitions.parliament.scot/petitions/PE1940

Introduction

1. This is a new petition that was lodged on 20 June 2022.
2. The petition seeks to permit Nest Protect as a valid system under the new Fire and Smoke Alarm law which has been in force since February 2022. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected to collect signatures and 22 signatures have been received.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.
6. A submission has been provided by Michael Clark. This is included at **Annexe D**.

Action

7. The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE1940: Permit Nest Protect as a valid system under new Fire and Smoke Alarm law

Petitioner

Campbell Wild

Date lodged

20 June 2022

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to permit Nest Protect as a valid system under the new Fire and Smoke Alarm law coming into force in February 2022.

Previous action

I have contacted Ben MacPherson MSP about this, but have been left unclear as to the validity of the Nest system.

I also have contacted Nest/Google to see if they can disable the Carbon Monoxide and Smoke detectors in any Nest Protect which has been marked as being located in a Kitchen. However, they do not appear to be interested, presumably because Scotland is not a big enough market for them. They also say they have no plans to release a standalone heat sensor.

Background information

The Scottish Government website

at <https://www.gov.scot/publications/fire-and-smoke-alarms-in-scottish-homes> states:

"Please note that the Nest Protect System will not meet the standard. This is because they do not meet the requirements for a heat alarm under the relevant British Standard. British Standard (BS 5839-6:2019) states that only heat alarms should be installed in kitchens."

Nest Protect does have a heat alarm. It just also happens to have a smoke detector and carbon monoxide detector built in too. If these cause very few false alarms, why can't the system be allowed?

I have had the Nest Protect system installed in my property for over 7 years, which included a Protect in the kitchen. Within this time, I have had very few false alarms. If owners of Nest Protects are prepared to put up with any false alarms triggered by sensors in the kitchen (and let's face it, these would only ever be when people are awake/cooking, not when they are asleep or out of the house), then the system should be accepted as-is.

Annexe B

The logo for SPICe, consisting of the letters 'SPICe' in a white, sans-serif font on a dark purple background.

The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1940](#):
Calling on the Scottish Parliament to urge the Scottish Government to permit Nest Protect as a valid system under the new Fire and Smoke Alarm law coming into force in February 2022, lodged by Campbell Wild

Brief overview of issues raised by the petition

- From February 2022, the ‘Tolerable Standard’ was amended to include ceiling mounted and interlinked smoke and heat alarms and, where appropriate, carbon monoxide alarms.
- The Tolerable Standard is a basic standard of house condition, set out in the Housing (Scotland) Act 2007, that applies to homes in all tenures. It is the property owner’s responsibility to meet the standard. [Councils have powers to enforce the Tolerable Standard in their areas](#).
- The changes are implemented by the [Housing \(Scotland\) Act 1987 \(Tolerable Standard\) \(Extension of Criterion\) Order 2019](#).
- The Order includes the addition of, “satisfactory equipment installed for detecting, and for giving warning of, fire or suspected fire” to the Tolerable Standard. Further detail of what that means is provided in [Scottish Government guidance](#) (and explained on the [Scottish Government website](#)). The guidance sets out the requirement for:

- one smoke alarm installed in the room most frequently used for general daytime living purposes (normally the living room/lounge)
 - one smoke alarm in every circulation space on each storey, such as hallways and landings
 - one heat alarm installed in every kitchen
 - all smoke and heat alarms to be ceiling mounted and interlinked.
- The changes stem from the Grenfell Tower fire in London. Following the fire, the Scottish Government established a Ministerial Working Group on Building and Fire Safety to review Scotland's building and fire safety regulatory frameworks.
 - The petitioner states that they have a Nest Protect system in their home. This is an alarm, developed by Google, that detects smoke, carbon monoxide (CO) and other environmental threats in every room. It is a wireless and interconnected system.
 - The Scottish Government state that the Nest Protect system is not compliant with the changes to the law. [As it states on its website:](#) "Please note that the Nest Protect System will not meet the standard. This is because they do not meet the requirements for a heat alarm under the relevant British Standard. British Standard (BS 5839-6:2019) states that only heat alarms should be installed in kitchens."
 - The Scottish Government [guidance on the requirements](#) states:
"16.8. Heat alarm: A fire detector that detects the presence of fire by monitoring the changes in temperature associated with combustion. It produces an audible and/or visible signal locally in a room or a home. Heat alarms should conform to BS 5446-2. For more detailed information on heat alarms, see BS 5839 Part 6. In a fire, heat alarms operate later than smoke alarms, so their use should be restricted to rooms in which smoke alarms would cause false alarms (e.g. kitchens)."
 - The petitioner has contacted Nest/Google to see if they can disable the CO and smoke detector which has been located in the

kitchen. However, they appear unable to do this and they have no plans to release a standalone heat sensor.

- The extension of the Tolerable Standard does not impose a legal duty on owner-occupiers to comply with the new requirements for smoke and heat alarms. [This means that owner-occupiers will not be breaking the law if they do not comply and there are no penalties for non-compliance.](#)

Instead, the duty rests with councils to ensure compliance with the standards in their area. Councils have statutory powers to require owners to carry out work on substandard housing. In some cases, the powers allow council to carry out the necessary work and recharge this to the owner. However, the [Scottish Government guidance](#) expects councils to take a 'proportionate, rational and reasonable' approach to enforcement.

- In terms of costs of installation, [the Scottish Government estimate that the cost for an average three bedroom house](#) which requires three smoke alarms, one heat alarm and one carbon monoxide detector will be around £220. This is based on using the type of alarms that can be bought and installed without the need for an electrician.

Kate Berry
Senior Researcher
[20/06/22]

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP

Annexe C

Scottish Government submission of 26 August 2022

PE1940/A: Permit Nest Protect as a valid system under new Fire and Smoke Alarm law

The petition calls on the Scottish Parliament to urge the Scottish Government to permit Nest Protect as a valid system under the new Fire and Smoke Alarm law, which came into force in February 2022.

The view of the Scottish Government is that this would be inappropriate because the Nest Protect system does not meet the necessary British Standard required under the interlinked fire alarms legislation.

Although the Nest Protect alarms are mains powered and interlinked, they do not meet the requirements for a heat alarm under the relevant British Standard. British Standard (BS 5839-6:2019) makes it clear that only heat alarms should be installed in kitchens:

- Clause 10.2a) - Smoke detectors may be used in any room or area of premises, other than kitchens, bathrooms and shower rooms; and
- Clause 12.2f) - If fire detectors are installed within kitchens, only heat detectors should be used.

On 21 January 2022, Scottish Government issued a joint statement with COSLA confirming that local authorities would be taking a proportionate and measured approach to compliance taking individual circumstances into account and there are no penalties for non-compliance.

For these reasons we do not support the petitioner.

Annexe D

Michael Clark submission of 3 August 2022 PE1940/B Permit Nest Protect as a valid system under new Fire and Smoke Alarm law

I'd like to note my strong support for the above petition which is currently under consideration.

I support the petition for the following reasons:

- I've also had the Nest protect Products (4 off interlinked combined smoke, CO and heat alarms – one being in the kitchen) installed in my home for the past 5 years and have had very few spurious alarms.
- I'm currently looking to commence a home renovation project which will involve introduction of a relatively large open plan kitchen / diner space. The use of a heat alarm only in this location, as opposed to the combined heat and smoke Nest Protect alarm, could arguably require a more intense fire to develop (due heat required to affect a temperature change of the larger volume) prior to alarm initiation which is less safe.
- The additional notification features provided by the Nest Protect alarm (i.e. smartphone alarms and initiation of smart lighting systems) provide enhanced safety benefits which the new legislation is aiming to improve via the interlinked requirements. The smartphone connectivity also allows the user to silence an alarm which they know to be spurious.

Given the above, and in my view, the Nest Protect alarm system is superior to the standard interlinked alarm products which the new legislation drives users towards.