

Citizen Participation and Public Petitions Committee

3rd Meeting, 2024 (Session 6), Wednesday
21 February 2024

PE2058: Require all dog boarding kennels to install smoke detectors, smoke alarms and sprinkler systems

Petitioner	Julie Louden
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to improve fire safety within dog boarding kennels by mandating the installation of smoke detectors, smoke alarms and sprinkler systems.
Webpage	https://petitions.parliament.scot/petitions/PE2058

Introduction

1. This is a new petition that was lodged on 26 October 2023.
2. 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. Every petition collects signatures while it remains under consideration. At the time of writing, 23,449 signatures have been received on this petition.
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 the petitioner. This is included at **Annexe D**.

Action

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

Clerk to the Committee

Annexe A

PE2058: Require all dog boarding kennels to install smoke detectors, smoke alarms and sprinkler systems

Petitioner

Julie Loudon

Date Lodged:

26 October 2023

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to improve fire safety within dog boarding kennels by mandating the installation of smoke detectors, smoke alarms and sprinkler systems.

Previous action

I have raised the issue with my list MSPs who have all responded to me. Pauline McNeill MSP has raised the matter with the Minister for Community Safety, Siobhan Brown MSP is asking for consideration of increased safety requirements. Dr Sandesh Gulhane MSP has also written to the Scottish Government. I was recommended by the other MSPS to start the petition.

Background information

My dog Monty and 4 other dogs tragically perished in a fire at the boarding kennels they were staying at in June this year. The kennels had a fire extinguisher on site which is all that is currently required under current legislation, but there were no smoke detectors/alarms to alert anyone to the fire which happened during the night. There were also no sprinklers in place as this is not a requirement. By the time the alarm was raised and the Fire Department were called to scene, a few hours had passed and by then all the animals had tragically perished. I want safety standard within boarding kennels improved to at least have smoke alarms and early detection systems in place to try and ensure this does not happen again. I would not want any other family to go

through what we have all had to go through knowing our beloved pets died in such horrendous circumstances.

Annexe B



The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on petition PE2058: Require all dog boarding kennels to install smoke detectors, smoke alarms and sprinkler systems

Brief overview of issues raised by the petition

- The petitioner is calling on the Scottish Parliament to urge the Scottish Government to improve fire safety within dog boarding kennels by mandating the installation of smoke detectors, smoke alarms and sprinkler systems. The petitioner describes an incident where a number of dogs died due to a fire at a boarding kennels, where the fire took place during the night and there were no smoke detectors or sprinkler system in place.

Regulation of animal boarding establishments

- Animal boarding establishments (including dog kennels) in Scotland must be licensed by local authorities under the [Animal Boarding Establishments Act 1963](#) (the 1963 Act). The Act stipulates (section 1(3)) that:

“In determining whether to grant a licence for the keeping of a boarding establishment for animals by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—

[...] “(d)that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;”

- Local authorities set conditions for issuing animal boarding licences, which can include more detailed requirements for appropriate fire safety precautions. In 2011 [the Royal Environmental Health Institute of Scotland published guidance for local authorities on licensing conditions](#). A range of conditions are recommended in relation to fire precautions, including “It is advisable to have smoke detectors with regular checks being undertaken to ensure their effectiveness”.

General fire safety law and guidance for non-residential premises

- The Fire (Scotland) Act 2005 creates legal duties for those who have control of non-residential premises (with some exceptions) to:
 - “carry out an assessment of the relevant premises for the purpose of identifying any risks to the safety of relevant persons in respect of harm caused by fire in the relevant premises”; and
 - “take in relation to the relevant premises such of the fire safety measures as in all the circumstances it is reasonable for a person in his position to take to ensure the safety of relevant persons in respect of harm caused by fire in the relevant premises”.
- These duties are framed around ensuring the safety of ‘persons’. The legal system does not class non-human animals as ‘persons’.
- The [Scottish Government has published guidance \(updated February 2022\)](#) to assist those who have responsibility under the Fire (Scotland) Act 2005 for ensuring fire safety in non-residential relevant premises.

Policy developments relevant to this area

- The Scottish Government [published a consultation in July 2023 on licensing activities involving animals](#) which in relation to animal boarding **proposes to repeal the 1963 Act and replace it with updated provisions**. The consultation does not reference fire safety explicitly as a concern. It states that part of the case for reform is that “no mandatory licence conditions are specified in the 1963 Act,

leaving scope for a wide variation in licence conditions across local authorities”.

- The consultation states that the Scottish Government proposes to introduce new licensing requirements for animal boarding “that will be delivered through the same framework as used in the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021”.
- [The Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021](#) replaced previous legislation covering pet sales and dog breeding, and introduced new licensing requirements for cat and rabbit breeders, animal welfare establishments (such as animal sanctuaries and rehoming centres) and other pet rehoming activities.
- Schedule 2 of the Regulations set out general licence conditions that apply to all licensable activities, and includes the following conditions on ‘emergencies’ with specific reference to fire risk:

“**10.**—(1) If animals are kept in premises, other than domestic premises, from which the licensable activity is carried on—

(a) a written emergency plan, acceptable to the licensing authority, must be in place, known and available to all the staff on the premises, and

(b) such a plan must be followed where necessary to ensure appropriate steps are taken to protect all animals on the premises (without risking human life) in case of fire, breakdowns of essential heating, ventilation and aeration or filtration systems or other emergencies.

(2) Any such emergency plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

(3) External doors and gates must be lockable.

(4) If animals are kept in premises from which the licensable activity is carried on, a designated key holder with access to all animal areas must at all times be within reasonable travel distance of those premises and available to attend in an emergency.”

- Whilst the licensing conditions in the Regulations themselves do not explicitly include a requirement for fire alarms or smoke detectors in licensed premises, [in December 2021 the Scottish Government issued guidance against these conditions stating:](#)

“Any buildings must have at least one working smoke detector (or other suitable fire detection system) installed in a suitable location on each separate level / floor of the property and there must be at least one carbon monoxide detector.”

Alexa Morrison, Senior Researcher

7 February 2024

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 that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C

Scottish Government submission of 18 January 2024

PE2058/A: Require all dog boarding kennels to install smoke detectors, smoke alarms and sprinkler systems

The Scottish Government's sympathies remain with the owners of the dogs in this terrible tragedy.

In 2017, the Scottish Government produced guidance to assist those who have responsibility under the Fire (Scotland) Act 2005 for ensuring fire safety in non-residential (relevant) premises in Scotland: [Practical Fire Safety Guidance for Existing Non-Residential Premises](#). The guidance states that any fire risk assessment for a relevant premises should be carried out by a component assessor.

The list below is a summary of the general requirements which the chapters provide further guidance on complying with, but anyone in doubt about their legal obligations may wish to seek further advice which can be provided by the Scottish Fire and Rescue Service;

- assessing the risk from fire;
- identifying the fire safety measures necessary as a result of the assessment of risk;
- implementing these fire safety measures, using risk reduction principles;
- putting in place fire safety arrangements for the ongoing control and review of the fire safety measures;
- complying additionally with the specific requirements of the fire safety regulations;
- keeping the fire safety risk assessment and outcome under review;
- and record keeping.

The guidance also contains information on the use of automatic fire detection in a fire warning system, which are required under fire safety law to provide early warning to and allow persons on the premises with sufficient warning to allow their means of escape.

Currently, Animal Boarding Establishments Act 1963 only requires local authorities (in their capacity as the enforcement body) to be satisfied that appropriate steps will be taken by an applicant / licence holder to ensure the protection of animals in case of fire or other emergency. Local authorities can, if they deem necessary, apply conditions, including in relation to fire prevention and safety, as appear to them to be necessary.

The Scottish Government recently consulted on proposals to revoke the Animal Boarding Establishments Act 1963 Act and instead regulate animal boarding under The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021. This approach is being considered and could provide a more cohesive and robust framework for ensuring the wellbeing of animals being cared for in Scotland.

The Scottish Government continue to monitor the impact and effectiveness of all of its guidance and will make any amendments should they be deemed necessary.

Animal Welfare Team - Animal Health & Welfare Division

Annexe D

Petitioner submission of 2 February 2024

PE2058/B: Require all dog boarding kennels to install smoke detectors, smoke alarms and sprinkler systems

This petition came about after myself and four other dog owners tragically lost our dogs in a kennel fire in June 2023.

This traumatic loss continues to affect us, our families and everyone who loved and cared for our pets. The huge response to our petition would suggest it also resonated deeply with the Scottish public who shared their sympathies and concerns with us.

Sadly, it is not until something affects you so deeply and personally that you dig deeper into things and truly understand how the mechanics of things work. I personally feel guilty and stupid for not researching things in more depth, but as the kennels were licensed by East Renfrewshire Council and had fulfilled their criteria in getting a licence, I wrongly assumed it would be safe. They had 5 star reviews on social media platforms so we all felt that it was a good choice for our much loved pets. The dogs loved going there and enjoyed running about and socialising with the other dogs. It never entered anyone's mind that such a tragedy could occur and erroneously we all assumed that the boarding kennels would have required to have adequate fire safety procedures in place in order to get a licence to trade.

However, subsequently we have discovered, and sadly too late for our pets that there is only guidance in place for the councils around fire safety in non-residential premises but it is not legislation and therefore open to interpretation by each local authority.

The current Animal Boarding Establishments Act 1963 only requires local authorities to be satisfied that appropriate steps will be taken by the licence holder to ensure the protection of animals in case of fire or another emergency. East Renfrewshire's only requirement was that a fire extinguisher was on the premises.

The fire that killed the dogs broke out overnight. The kennel building was approximately one hundred metres from where the owner lived and we have been advised that the fire had been burning for over 2 hours before

the alarm was raised. The kennels were destroyed by this point and all the dogs had sadly perished.

We feel that if there had been smoke alarms, smoke detection systems or sprinklers in place then the dogs would have stood a chance of survival. A fire extinguisher on the premises was of no use as no one knew there was a fire until it was too late.

Scottish Fire and Rescue did not send fire investigation crews to the scene and only extinguished the fire. A copy of their report obtained by us under Freedom of Information said they thought it was arson but they chose not to investigate further. Their report also says there were no victims as dogs are only treated as possessions in Scotland. As you can imagine, this was very upsetting to read and we still have no explanation of what happened that night, and absolutely no chance of closure.

We are aware that the Scottish Government have recently consulted on proposals to revoke the Animal Boarding Establishments Act 1963 and instead regulate animal boarding under The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 where the guidance says *“Suitable firefighting, prevention and detection equipment must be provided and maintained in good working order. Any buildings must have at least one working smoke detector (or other suitable fire detection system) installed in a suitable location on each separate level / floor of the property and there must be at least one carbon monoxide detector.*

Condition: Any such emergency plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.”

We would therefore request that the committee consider the proposals made by the Scottish Government and our petition and look to make effective change in order that we can improve upon the outdated legislation that is currently in place. We believe the regulations and safety within animal boarding establishments require to be changed to hopefully prevent tragedies like what happened to our poor dogs happening in the future.