

From: [REDACTED]
To: [REDACTED]
Subject: RE: Civic Government (Scotland) Act 1982- Section 93- Fire precautions in common stairs
Date: 08 June 2026 11:56:12

Hi [REDACTED]

If you speak with the legal team within council (not sure who specifically) they will advise on who would progress this if it was ever to happen. The law exists so someone could enforce.

Best wishes

[REDACTED]
[REDACTED]

City of Edinburgh - Prevention
Scottish Fire and Rescue Service

M: [REDACTED]

From: [REDACTED]
Sent: 08 June 2026 11:50
To: [REDACTED]
Subject: RE: Civic Government (Scotland) Act 1982- Section 93- Fire precautions in common stairs
Hi [REDACTED]

Thanks for your response- this is hugely appreciated.

To your knowledge, what department of the Council enforces penalties where justifiable? The Housing department has never done this.

Thanks.

Best wishes,

[REDACTED]
[REDACTED]

[REDACTED] | **Locality Housing Manager | South-East Local Office | 40 Captains Road |**
Edinburgh | 0131 [REDACTED] [@edinburgh.gov.uk](mailto:[REDACTED]@edinburgh.gov.uk)

From: [REDACTED]
Sent: 08 June 2026 11:47

To: [REDACTED] [@edinburgh.gov.uk](mailto:[REDACTED]@edinburgh.gov.uk)>; [REDACTED]

[REDACTED]

Subject: RE: Civic Government (Scotland) Act 1982- Section 93- Fire precautions in common stairs
Hi [REDACTED]

Regards to the query relating to the CGA. WC Ball was correct in his assessment of the circumstances and council are responsible should the circumstances justify action. I have put a comment alongside each point.

In summary- you have tried to resolve the complaint by sending a request to the private owner, the items are not rubbish so actions of removal could not be justified. SFRS have visited the property and deemed it not to be a risk.

Overall, both SFRS and City Council have looked into this matter and determined that no further justifiable action can be taken. Although the CGA states what could be done this does not mean it will be done.

Best wishes

[REDACTED]
[REDACTED]

City of Edinburgh - Prevention
Scottish Fire and Rescue Service

M: [REDACTED]

From: [REDACTED] <[REDACTED]@edinburgh.gov.uk>

Sent: 05 June 2026 15:49

To: [REDACTED]
[REDACTED]

Subject: RE: Civic Government (Scotland) Act 1982- Section 93- Fire precautions in common stairs
Hi [REDACTED]

Thanks for clearing up the first point.

In regards to my second point, WC Ball has written "*councils are primarily responsible for ensuring compliance with Section 93 of the CGA. They can:*

Investigate complaints related to the storage of combustibles in common areas. -Council have looked into this and found that no further action could be justified

Issue notices requiring the removal of materials deemed to pose a fire risk or public safety hazard. -Council have issued a noticed requesting the removal but this has been ignored

Enforce penalties or take legal action against individuals or property owners in breach of the Act. "-Only where justifiable where in this case is not.

This is specifically the part that is causing me some issue as the resident is now adamant that there is something that I can do but refusing to do to manage the matter. We do investigate complaints related to the storage of combustibles in common areas but I have no means of enforcing penalties or taking legal action and I'm not aware of any department in the Council who does. I don't dispute the good intentions of suggesting contacting the Council as additional help but the statement is fairly explicit in claiming the actions the Council can take. Is it fair to say that incorrect advice has been given to the resident? The resident is specifically asking me whether I dispute the advice given by WC Ball to which my answer is yes, though I have not yet responded.

Huge thanks.

Best wishes,

[REDACTED]

[REDACTED] | Locality Housing Manager | South-East Local Office | 40 Captains Road |
Edinburgh | 0131 [REDACTED] <[REDACTED]@edinburgh.gov.uk>

From: [REDACTED]

Sent: 03 June 2026 18:05

To: [REDACTED] <[REDACTED]@edinburgh.gov.uk>; [REDACTED]
[REDACTED]

Subject: RE: Civic Government (Scotland) Act 1982- Section 93- Fire precautions in common stairs
Hi [REDACTED]

Where WC Ball has stated we no longer progress the enactment, he is making reference to legacy Lothian Borders Fire and Rescue Service where operational crews would respond to complaints under the CGA legislation, however no other areas were done this so when we merged in 2013 to form the SFRS this arrangement ceased. Looking clearly at the wording in the act then we would not be able to justify actions, so it would almost not stand up anyway. So in summary he is referring to a previous Fire and Rescue arrangement.

He has mentioned the council because one of the nearby flats (27) is detailed as council so he has, in good intentions suggested to contact them as an additional help to try to resolve the situation.

I certainly agree with you in terms of dumped items that you, Council or anybody else can not remove peoples property without very good reason. While I sympathise with the other residents the circumstances are all too common with tenement living.

Hope this clears this up.

Best wishes

**City of Edinburgh - Prevention
Scottish Fire and Rescue Service**

M: [REDACTED]
From: [REDACTED] <[\[REDACTED\]@edinburgh.gov.uk](mailto:[REDACTED]@edinburgh.gov.uk)>
Sent: 03 June 2026 16:15

To: [REDACTED]
[REDACTED]
Subject: RE: Civic Government (Scotland) Act 1982- Section 93- Fire precautions in common stairs
Good afternoon [REDACTED]

Huge thank you for your very swift response and the information below.

Can I just double check something- in the letter it states "Scottish Fire and Rescue Service have decided to no longer progress the enactment of the CGA legislation"- I interpreted this to mean that SFRS are no longer enforcing the terms of the act in general- however, does the statement pertain to just the block/complaint in question?

Additionally, the advice from the Watch Commander to pursue the matter with the Council- is this the general advice SFRS would give to a resident? My concerns around that are that we do not have powers to issue penalty notices to private owners. Where we found items that were clearly dumped and we did deem to pose a fire risk we would advise residents to move the items or that we will do so but this particular complaint does not pertain to dumped items.

Thanks so much.

Best wishes,

[REDACTED]
[REDACTED] | **Locality Housing Manager | South-East Local Office | 40 Captains Road |
Edinburgh | 0131 [REDACTED] <[\[REDACTED\]@edinburgh.gov.uk](mailto:[REDACTED]@edinburgh.gov.uk)**

From: [REDACTED]
Sent: 03 June 2026 15:46
To: [REDACTED] <[\[REDACTED\]@edinburgh.gov.uk](mailto:[REDACTED]@edinburgh.gov.uk)>; [REDACTED]
[REDACTED]

Subject: RE: Civic Government (Scotland) Act 1982- Section 93- Fire precautions in common stairs
Hi [REDACTED]

I have made some enquiries relating to this complaint and the subsequent actions we undertook. The inspecting officer did assess it at the time and did not see any immediate risk of potential fire or egress being blocked. I absolutely appreciate that this situation is causing frustration among neighbours but we as an enforcing authority would not take action on this type of situation.

In the interest of always promoting a safe environment, I would like to highlight that thankfully the items (bikes) being stored are not combustible and also that the egress is open balconies so if a fire occurred in that block then residents would be able to safely evacuate.

Below is some content detailing how we would have to justify any actions taken.

The legislative intention behind section 93 of the CGA confers statutory powers upon SFRS to enable it to take necessary action in circumstances where there are 'combustible substances' (as defined in the act) in any part of the common property; with the aim of preventing foreseeable risks to life and limb. Section 93 confers a discretion upon SFRS to exercise these powers as it provides that they "may" be exercised by SFRS. This discretion requires to be exercised in a reasonable and proportionate way for a lawful purpose. It is important to note that this is a discretionary power. There is no duty to act in all circumstances which potentially fall within the scope of section 93. If the potential risks to life and limb are minimal, it will be lawful not to take any action. Accordingly, the

reasonableness and proportionality of any proposed action under section 93 will be determined by the degree of risk posed by the combustible substance in the common property. Equally, the lawfulness of any decision not to exercise the powers conferred by section 93 will also be determined by the degree of risk posed by the combustible substances in the common property.

Please get back in touch if you require further information.

Best wishes

[REDACTED]
City of Edinburgh - Prevention
Scottish Fire and Rescue Service

M: [REDACTED]

From: [REDACTED] <[\[REDACTED\]@edinburgh.gov.uk](mailto:[REDACTED]@edinburgh.gov.uk)>

Sent: 03 June 2026 11:46

To: [REDACTED]
[REDACTED]

Subject: Civic Government (Scotland) Act 1982- Section 93- Fire precautions in common stairs

Good morning all,

I hope this finds you all well!

I have a query that I am hoping you can assist with in relation to the attached letter?

We have a mixed tenure block in Dumbiedykes where there is an owner storing personal items on the deck access landing- my understanding is that this was previously inspected by SFRS and the inspecting officer did not deem the items to be restricting entry or exit through the common walkway. However, one of the other owners in the block consistently complains to us about the matter to which he received the attached response from SFRS last year. The letter makes reference to the Council being able to enforce penalties on those who breach the terms of the Civic Government (Scotland) Act. I am not aware of the Council having the authority to do this and would be grateful if you could advise what Council department SFRS believe can take this forward? The Housing department has asked the owner to remove the items and she has ignored these requests- the items are clearly personal effects and not dumped items so as far as I am concerned, we have no right to remove them. I am also not clear how SFRS have decided to no longer progress the enactment of the relative legislation despite the legislation making reference to SFRS as per below and would be grateful for any clarity on this;

93 Fire precautions in common stairs etc.

(1)In this section—

- *“common property” and “occupier” have respectively the same meanings as in section 92 of this Act;*
- *“combustible substance” means anything which is dangerously combustible in normal conditions and includes any container holding the combustible substance including any such container forming part of a motor vehicle but does not include anything forming part of any common property.*

(2)It shall be the duty of the occupier to keep the common property free of—

(a)any combustible substances;

(b)anything which might obstruct egress from and access to the property in the event of fire.

(3)[F327Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to the common property, an enforcement officer appointed under section 61(3) of that Act or, in any other case,] an authorised officer of the [F328Scottish Fire and Rescue Service] shall be entitled—

(a)to enter common property for the purpose of determining whether subsection (2) above is being complied with; and

(b)if it is not, and there is thereby an immediate risk of fire likely to endanger life, to enter the property and to do there anything he may consider necessary to remove that risk including seizing and arranging as he sees fit for the retention of any substance or other thing until claimed by a person having a right of possession to it.

(4)[F329Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to the common property, the enforcing authority or, in any other case,] the [F330Scottish Fire and Rescue Service] may by notice in writing require the occupier to comply with subsection (2) above within such reasonable time as may be specified in the notice by removing or rendering safe the substance or other thing (if any) there specified.

(5)Any person who fails without reasonable excuse to comply with a notice served under subsection (4) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [F331level 3 on the standard scale].

(6)Section 105 of this Act shall apply to a notice served by [F332an enforcing authority or] [F333the Scottish Fire and Rescue Service] under subsection (4) above, as it applies to notices served by local authorities.

(7)[F334The enforcing authority or, as the case may be,] the [F335Scottish Fire and Rescue Service] shall be entitled to recover the expense of doing anything under subsection (3)(b) above from the occupier or person having a right of possession to such substances or articles as are referred to in the said subsection (3)(b) but may remit any sum or any part of any sum due to them under this subsection as they think fit.

(8)This section is without prejudice to any other enactment relating to fire precautions.

Huge thank you!

Best wishes,

[Redacted]

[Redacted] | Locality Housing Manager | South-East Local Office | 40 Captains Road |
Edinburgh | 0131 [Redacted] [@edinburgh.gov.uk](mailto:[Redacted]@edinburgh.gov.uk)