

Briefing 18-27 July 2018

## Scottish Government Consultation - Building Standards Compliance and Fire Safety

**To:** All Chief Executives, Main Contacts and APSE Contacts in Scotland

For information only to England, Wales and Northern Ireland

### Key Points

'Building Standards Compliance and Fire Safety – a consultation on making Scotland's buildings safer for people' was released on 4 July 2018 by Scottish Government. The consultation closes on 26 September 2018.

The consultation has 41 questions split into 5 parts:

- Part 1 – compliance with and enforcement of building regulations
- Part 2 – fire safety building standards
- Part 3 – miscellaneous aspects of building standards
- Part 4 – areas of the building standard system for further consideration
- Part 5 – the impacts of the proposals on equality groups and businesses

Responses can be submitted [here](#), and the accompanying report is available [here](#).

For more information on the consultation, you can also contact [BuildingStandards@gov.scot](mailto:BuildingStandards@gov.scot) or call 0131 244 6588.

### 1.0 Why they are consulting

In response to the events that took place last June at Grenfell Tower, the Scottish Government established a Ministerial Working Group on Building and Fire Safety and set up two expert panels to review Scotland's building and fire safety regulatory frameworks.

Following the review of Scotland's building standards system by two expert panels, it has been agreed that some improvements could be made. The consultation pulls together the recommendations of the panels and seeks the views of relevant stakeholders. The consultation seeks to address issues in relation to the construction of buildings, the safety of occupants in the event of a fire in dwellings and the level of detail accompanying building warrant applications and completion certificates.

## 2.0 Consultation questions

The full list of consultation questions can be found below:

<b>Part 1 – Building Standards (Compliance and Enforcement)</b>	
Q1.1	Do you agree that the roles and responsibilities of verifiers (including their key activities) must be clearly defined and recorded, including the expected level of resources and skills needed to undertake verification activity, and the actual level?
Q1.2	Do you agree that verifiers must place a greater emphasis on inspection and testing throughout construction and at completion?
Q1.3	Do you agree that verifiers must place a strong focus on safety critical elements such as structure (for example wall ties, lateral restraint) and fire safety (for example fire protection, fire-stopping, cavity barriers)? If possible, please provide details in the comments box of other elements that should be included.
Q1.4	Do you agree that local authorities should not be able to act as verifier for their own “higher risk” building work due to possible conflicts of interest?
Q1.5	Do you agree that local authorities should still be able to act as verifier for their own lower risk building work?
Q1.6	Do you agree that the roles and responsibilities of building owners and developers (including their key activities) must be clearly defined within the building standards system and recorded including the expected level of resources and skills needed to assure themselves and verifiers of compliance, and the actual level?
Q1.7	Do you agree that the building owners and developers must, to ensure compliance, place a greater emphasis on inspection and testing throughout construction and at completion, with focus on the safety critical elements?
Q1.8	Do you agree with the requirement for a “Compliance Plan”, to be provided by the owner or developer, to demonstrate their approach to compliance from initial design, through detailed design and construction, and leading to their final sign-off and certification of the completed building?
Q1.9	Do you agree that the building owner or developer should be required to appoint a competent professional person, with the appropriate experience and qualifications, to act on their behalf in order to assure them of compliance when they submit the completion certificate?
Q1.10	Do you agree that mandatory pre-application discussions and precommencement of construction discussions should be introduced for higher risk buildings?
Q1.11	Do you agree that amendments to warrant should differentiate between minor changes, major changes, and staged warrants?
Q1.12	Do you agree that the construction procedures and guidance should be reviewed and that mandatory notifications are introduced, including notification of progress on higher risk projects?

Q1.13	Do you agree that verifiers should carry out ad-hoc (unannounced) progress inspections and be able to require disruptive surveys when mandatory notifications are not made to them?
Q1.14	Do you agree that verifiers should record safety critical building standards non-compliances and feedback at a national level to drive improvements?
Q1.15	Do you agree that verifiers should be notified of minor changes in design as the project progresses, on the understanding that they are to be covered by an amendment to warrant before the completion certificate is submitted?
Q1.16	Do you agree that the completion certificate for a higher risk building should have sub-sets for safety critical aspects, and be accompanied by as-built drawings and the completed Compliance Plan?
Q1.17	Do you agree that the procedures for the temporary occupation or use of a building should be strengthened for example requiring a declaration of compliance and monitoring of the expiry dates?
Q1.18	Do you agree that restrictions to the occupation or use of existing buildings should be considered when significant alterations are being carried out to higher risk buildings?
Q1.19	Do you agree that local authorities should be more pro-active in enforcing building regulations and monitor construction regularly?
Q1.20	Do you agree that local authorities should have a building standards enforcement policy in place that is based on national guidance?
Q1.21	Do you agree that national guidance on building standards enforcement should include what enforcement related actions local authorities should carry out and the level of resources and skills they should have to do so?
Q1.22	Do you agree the penalties and levels of fines associated with serious failures in compliance should be increased?

## Part 2 – Building Standards (Fire Safety)

Q2.1	Do you agree that the guidance should be developed to make clear that there is more than one way of achieving compliance with the mandatory functional standards?
Q2.2	Do you agree that the annexes in the Technical Handbooks for residential care buildings, hospitals and enclosed shopping centres should be published separately?
Q2.3	Do you agree that an additional Technical Handbook for simple domestic detached and semi-detached dwellings (up to 3 storeys) should be introduced as a means of compliance with fire, and all applicable building standards and sections of the Handbooks?
Q2.4	Do you agree that a national “hub” approach should be developed to share expertise and skills and be responsible for verifying fully performance based “fire safety engineering designs”?
Q2.5	Do you agree that consideration should be given to a certification scheme for fire engineering?
Q2.6	Do you agree that the reference to British Standards Reaction to Fire Tests BS 476 should be removed from the Technical Handbook?

Q2.7	Do you agree that only A1 and A2 materials, using the European Harmonised “reaction to fire tests”, should be required for external walls or insulation exposed in a cavity of a high rise building (domestic and non-domestic) with a storey at a height of more than 11m above ground?
Q2.8	Do you agree that only A1 and A2 materials, using the European Harmonised “reaction to fire tests”, should be required for external walls or insulation exposed in a cavity of entertainment and assembly buildings, residential care homes and hospitals of any height?
Q2.9	Do you agree that BS 8414 (and BR135) may still be used as an alternative method of providing evidence to show compliance?
Q2.10	Do you agree fire service activated evacuation sounders should be required in each flat in new domestic buildings which have a storey at a height of more than 18m above ground level?
Q2.11	Do you agree that two stairways should be required for new domestic buildings which have a storey at a height of more than 18m above ground level?
Q2.12	Do you agree that new HMOs used for “care” 24/7 should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems?
Q2.13	Do you agree that new HMOs with 10 or more occupants should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems?
Q2.14	Do you agree that new flats should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems?

### Part 3 – Building Standards (Miscellaneous)

Q3.1	Do you agree that protected lobbies need not be provided to shared residential accommodation with only one escape stair?
Q3.2	Do you agree that exempt type 16 of building regulations should be reviewed in respect of the criteria for the erection of a temporary building and the temporary use of a building?

### Part 4 – Building Standards – Areas for further consideration

Q4.1	Do you agree with the areas identified for further consideration?
Q4.2	Do you consider there are other areas of the building standards system that require further consideration?
Q4.3	If Yes above please tell us what they are in the box below.

### Part 5 – Impact Assessments

Q5.1	Are there any proposals in this consultation which impact or have implications on ‘equality groups’? Choose from the following options:
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	<ul style="list-style-type: none"> <li>• Verifiers</li> <li>• Building Owner or Developer</li> <li>• Compliance Plan</li> <li>• Building standards system</li> <li>• Enforcement</li> </ul>
Q5.2	<p>Are there any proposals in this consultation which impact or have implications on 'equality groups'? Choose from the following options:</p> <ul style="list-style-type: none"> <li>• Structure of building standards and supporting guidance</li> <li>• Fire safety engineering</li> <li>• External walls and cladding</li> <li>• Escape</li> <li>• Automatic fire suppression systems</li> </ul>
Q5.3	<p>Do any of the proposals in this consultation have any financial, regulatory or resource implications for you and/or your business (if applicable)? Choose from the following options:</p> <ul style="list-style-type: none"> <li>• Verifiers</li> <li>• Building Owner or Developer</li> <li>• Compliance Plan</li> <li>• Building standards system</li> <li>• Enforcement</li> </ul>
Q5.4	<p>Do any of the proposals in this consultation have any financial, regulatory or resource implications for you and/or your business (if applicable)? Choose from the following options:</p> <ul style="list-style-type: none"> <li>• Structure of building standards and supporting guidance</li> <li>• Fire safety engineering</li> <li>• External walls and cladding</li> <li>• Escape</li> <li>• Automatic fire suppression systems</li> </ul>

## 2.0 APSE Comment

APSE encourages our members to respond to this consultation and highlights the importance of ensuring that local authorities views are represented considering how many of the proposed

changes will directly affect the design and construction of public buildings and the fire safety role they play.

Scottish Fire and Rescue have agreed to attend the next APSE Scotland Building and Housing advisory group meeting on 17<sup>th</sup> August in Fife to continue discussions around fire safety. Advisory groups are free to attend for APSE members. Please use [this form](#) to confirm your attendance.

Garry Lee  
Research and Coordination Officer

Louise Melville  
Principal Advisor (Scotland)