

Pye Tait Consulting

**Building Standards
Compliance and Fire Safety
Consultation**

Analysis Report

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The opinions expressed in this report are those of the respondents to the consultation, as summarised and presented by the report author.

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Executive Summary

Background

In the wake of the Grenfell Tower fire in London on 14 June 2017 – and prior to that the Oxfgangs Primary School collapse in Edinburgh in January 2016 – a Ministerial Working Group (MWG) was set up to oversee a review of building and fire safety regulatory frameworks for Scotland's buildings.

The focus of the MWG was on safety in high rise domestic buildings and other actions around fire and safety advice, and the adequacy of current fire and building regulatory frameworks.

Following on from this two expert review panels were established to consider relevant aspects of the Scottish building standards system:

1. The Review Panel on Building Standards (Fire Safety) in Scotland, which looked at functional standards and associated guidance for building work in Scotland. In June 2018, it concluded that while the structure of mandatory standards should be retained, the status and limitations of the guidance needed to be made clearer.
2. The Review Panel on Building Standards Compliance and Enforcement examined the current operation of the building standards system, including its strengths, weaknesses and potential changes that could be introduced to address the identified weaknesses.

The recommendations of those two panels form the basis of a consultation managed by the Scottish Government's Building Standards Division. The consultation was live during August and September 2018, with views collected via an online survey and supporting face to face consultation events. In total 222 survey responses were received, and 246 individuals attended the events.

The consultation findings were analysed by Pye Tait Consulting, and are presented in this report.

General findings from the consultation

The consultation garnered a generally positive response, with the majority of respondents being in favour of the proposals. In response to the consultation there is a generally optimism with a majority in favour of the proposals, demonstrated

through the high levels of agreement with most of the consultation questions. Key areas of uncertainty and concern centre around whether Construction, Design and Management (CDM), Health and Safety, Construction Compliance and Notification Plan (CCNP) or other legislation and regulations meet the requirements of the new proposals. Other areas relate to the practicality of implementing aspects of the proposal, for example, the resourcing of further Local Authority verification capabilities or the risk of losing local expertise through the generation of a central hub.

Enforcement and Resourcing

Concerns are primarily focused on the resourcing, both in financial and personnel terms, and the impact of the proposal without a robust enforcement capability that has legislative reinforcement. These are also key themes from the face-to-face consultation events.

Enforcement is an issue that is deemed to have ramifications for aspects of other proposals within the consultation. Three quarters of respondents and the vast majority consulted in face-to-face events agreed that the enforcement capabilities are insufficient. Without a greater level of deterrence, perceptions are that for private developers “Cash is King” with the priority being the bottom line and in public projects that political pressure could impact the quality of verification due to conflicting interests. Nearly all of those consulted deemed that a more proactive approach in enforcement was required and that this should be driven at the national level.

Resourcing is a key concern for Local Authorities, who are already, anecdotally at least, deemed to be overstretched by all stakeholder groups. In many cases, affirmative responses to proposals were caveated with a need for increased resourcing, with a recognition that long-term support is required i.e. not just for the period it remains relevant. The introduction of a central hub is an area where competing interests seemed to rise in terms of resourcing, responsibility and who would be involved. It was deemed that the introduction of a central hub could reduce vital resources in rural Local Authorities, with preference given to urbanised authorities and the loss of expertise at the local level.

Definitions

In considering definitions including ‘high risk’, ‘low risk’, ‘major works’, ‘minor works’ and ‘significant alterations’, a substantial number deemed it important to clarify such definition at an early stage as these would hold sway on the views of some respondents. It was also deemed that greater clarity would reduce attempts to

circumvent regulations to enhance profit margins, although it was also deemed that too prescriptive a definition may stifle innovation.

High and Low Risk

When considering high and low risk the consensus was that the focus should be on the 20% high risk, although definition was still deemed to be important to take this forward. A good example here is the self-verification by LAs, whereby on high risk projects just under two fifths agreed (with a similar number disagreeing) with self-verification, this rose to nearly three quarters agreeing when considering low risk projects.

When considering safety critical aspects, it was deemed that a strong focus was already placed on them regardless of project size or risk but that a holistic approach achieved the best solutions. The idea of a competent person to ensure compliance for each project was welcomed predominantly for high risk projects but it was deemed unlikely that a suitable person with the required breadth of knowledge would be available in most cases.

Compliance and Verification

When considering compliance, the majority of respondents suggested the responsibility should lie with the lead designer or contractor, with others citing the need for a Clerk of Works and staged verification to prevent the prioritisation of cost over quality. A compliance plan, providing greater transparency, was agreeable to four fifths of respondents, although concerns over meaningful enforcement and the potential for delays to projects due to non-availability of verifiers were raised.

Almost 90% of respondents agreed that ad-hoc inspection throughout construction was a valuable endeavour but that resourcing would again pose a significant issue; this size of respondent group also deemed that safety critical verification records should be held at a national level.

Staged verification is something that most respondents agreed with, especially on-site. The key barriers again were seen as resourcing and skills. A lack of understanding of the impact a sub-contractor's work on other aspects of a project, in some cases making safety critical elements subsequently unsafe, was seen as a cause for future failures, albeit unintended. The use of a central hub could facilitate a central intelligence capability to highlight previously verified works, although clear labelling and traceability of the work done and tests conducted should be held to ensure traceability is possible. The concept of a national hub was supported by just over two thirds, with resourcing again considered a barrier. This would also need legislative backing for enforcement if cultures of covering up fault are identified.

Respondents indicated that an upskill in verifiers that enables consistency around fire safety and engineering would be valuable.

Documentation and Certification

Documentation and certification are areas that have lower levels of consensus, with warrant amendments and changes and additions to the Technical Handbook all receiving mixed responses as to the value they might offer, based on duplication of already established documents, greater bureaucracy and the implications for practical application if more prescriptive guidance is provided.

The introduction of a fire engineering scheme similar to the Structural Engineering Registration (SER) scheme also elicited a mix of responses mostly due to levels of uncertainty due to the inexperience of some respondents in this area.

Fire Safety and Testing

When considering testing standards, including testing of A1 and A2 materials, the majority of respondents were in favour of all the proposed aspects on all build types, however, some suggested that a review would be best placed post-Brexit. Of those not in favour of the proposal, they were heavily driven by a lack of evidence to suggest any merit from a fire safety perspective whilst a significant increase to cost.

Responses to the use of cladding testing, BS8414, as an alternative method of demonstrating compliance drew over a third (35%) with an 'unsure' response. Most that commented from this group cited a lack of knowledge or experience in this area. Under half of the respondents were in favour, stating the standard is well-respected in the industry, but welcomed updates and greater transparency. Those against this cited a wider issue with combustible cladding being used. This view was supported in face-to-face consultation discussions.

Responses on cladding, sounders, two means of escape and automatic fire suppressions systems saw large acceptance for their mandatory introduction in new builds of all types, specifically those with vulnerable or high levels of sleeping occupants. The key themes in the comments provided were that combustible cladding should not be accepted at any level, two staircases will be better than one and that automatic suppression systems are a valuable addition. It was also commented that this should be applied retrospectively to current builds.

The key concerns raised by those against were the cost of installing such equipment against the risk of vandalism and a lack of need. Cost was seen as a key factor for those voting against these proposals. The need for the context of the building to drive requirement was also seen as a key point for those against these proposals, for

example a four block of flats being held to the same requirement as a high-rise tower block of flats was deemed overkill. Also, the potential for sounders, two means of escape and automatic fire suppressions systems to all be installed in new builds and potentially retrospectively was deemed excessive for all projects.

Impact of the proposals

When providing an assessment of the impact this proposal will have on resources, the majority of respondents – predominantly Local Authorities – anticipate a high financial cost to implement the proposal and for resources to be stretched as a result.

1. Introduction

1.1 Background

Following the Grenfell Tower fire in London on 14 June 2017, a Ministerial Working Group (MWG) was set up to oversee a review of building and fire safety regulatory frameworks, and any other relevant matters, to help ensure that people are safe in Scotland's buildings. The remit of the MWG also included recent major building failures in Scotland, including Oxfords Primary School in Edinburgh, where in January 2016, the brick outer wall collapsed during a storm.

The initial focus of the MWG was on safety in high rise domestic buildings. Other actions to be taken were established by the MWG; these included fire and safety advice, and the adequacy of current fire and building regulatory frameworks. Following on from this two expert review panels were established to consider relevant aspects of the Scottish building standards system.

The Review Panel on Building Standards (Fire Safety) in Scotland set out to review functional standards and associated guidance for building work in Scotland. In June 2018, it concluded that while the structure of mandatory standards should be retained, the status and limitations of the guidance needed to be made clearer. It also proposed changes to certain standards, for example recommending that automatic fire suppression systems should be extended to additional building groups and that restrictions on the use of certain materials should be applied to all buildings with a storey at a height of over 11 m, rather than 18 m as at present. The Review also recommended a better mechanism for the verification of fire safety engineering solutions in complex buildings.

In parallel, the Review Panel on Building Standards Compliance and Enforcement examined the current operation of the building standards system, including its strengths, weaknesses and potential changes that could be introduced to address the identified weaknesses. It concluded that the Scottish system was not broken but that evidence pointed to a clear need to strengthen compliance and for verifiers to implement enforcement more strongly. A key priority was seen as rebalancing resources from checking compliance of design intent, towards checking compliance of the actual construction of buildings, particularly those types for which non-compliance with the regulations would present the biggest risks to the population.

The work of the review panels led to the development of the consultation document.

This consultation sought the views and opinions of stakeholders on proposals for the building and fire safety regulatory frameworks. The consultation closed on 26 September 2018.

The main areas covered by the consultation were:

- Roles and responsibilities of people verifying, inspecting and certifying building work, strengthening compliance with and enforcement of building regulations;
- Specific fire safety standards relating to external cladding and cavities, escape, the provision of sprinklers and finally, the proposal for a “central hub” for verifying complex fire engineered solutions.

As part of stakeholder engagement, a series of face-to-face consultations events based on the ‘World Café’ concept was held in Edinburgh, Stirling, Glasgow and Aberdeen.

A total of 222 people responded to the consultation, with 246 participating in consultation events.

Pye Tait Consulting was commissioned to objectively and comprehensively analyse all responses received to the consultation alongside transcriptions from the stakeholder engagement events and identify the key themes. Pye Tait staff were involved in scribing at three of these events.

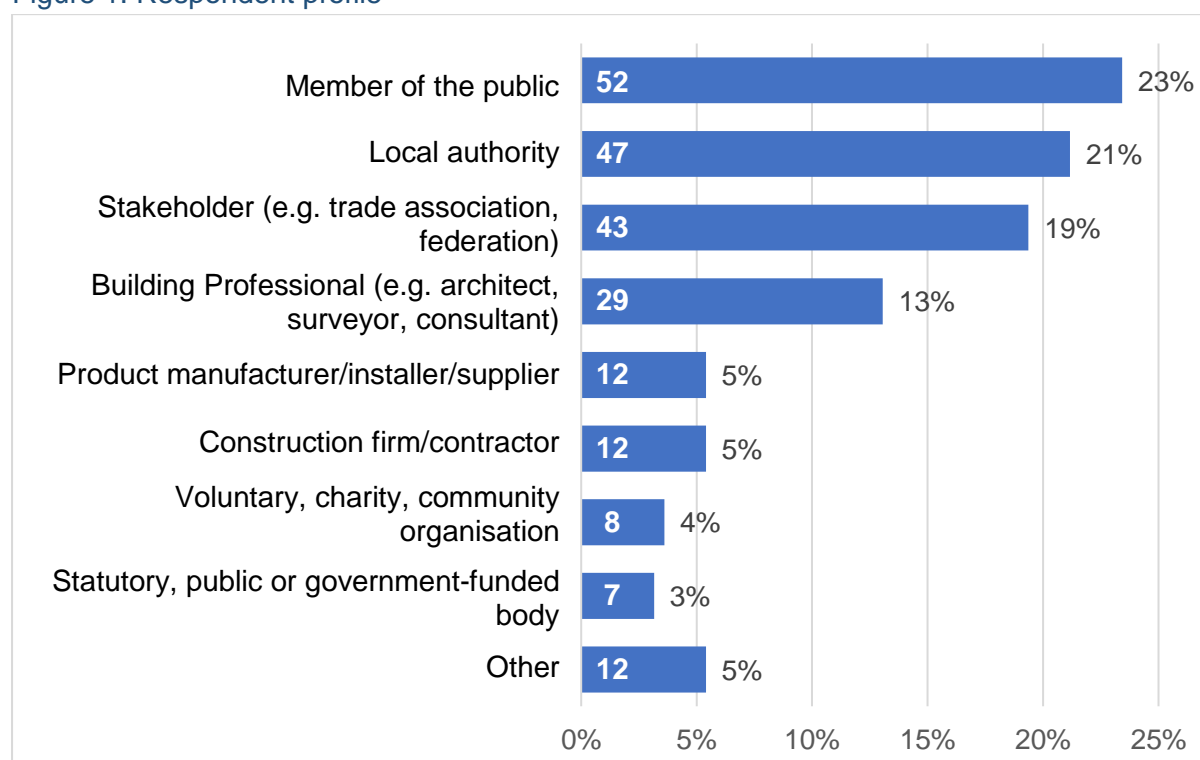
The outcomes will be to ensure that building standards legislation and associated Technical Handbook guidance fully address the issues raised relating to: 1) the level of detailing accompanying building warrant applications and completion certificates; 2) the construction of buildings; and 3) the safety of occupants in the event of a fire in dwellings, particularly those in high rise buildings.

2. Respondent Profile and Opinions

2.1 Respondent profile

The consultation received a total of 222 responses.

Figure 1: Respondent profile

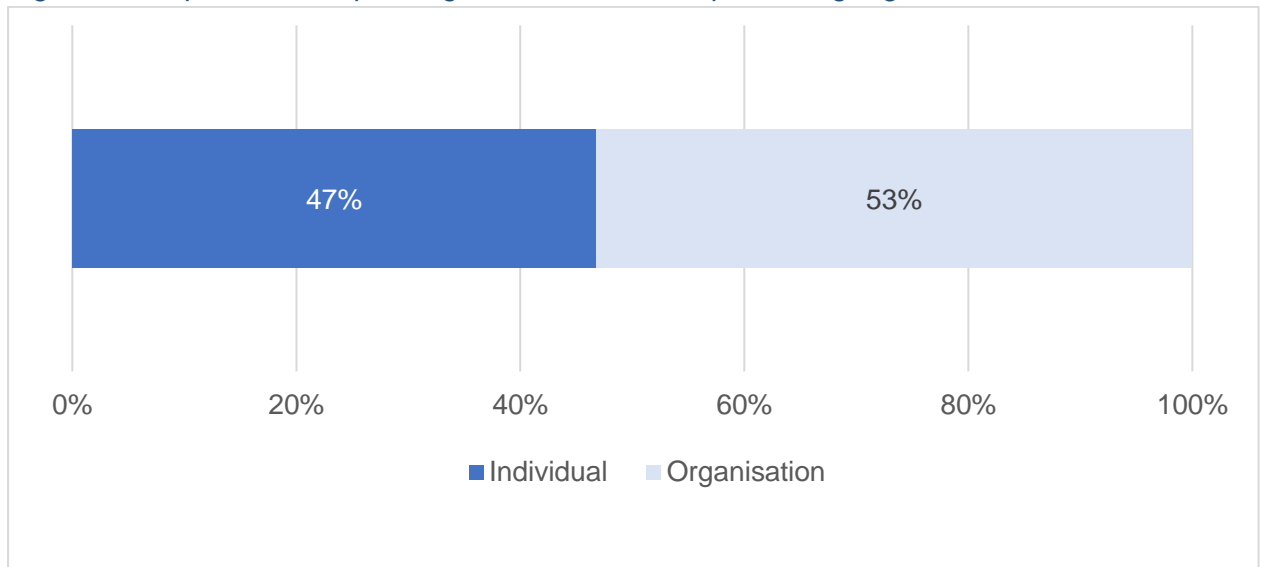


Members of the public comprise the largest group of respondents at just under a quarter (23%), followed by Local Authorities (21%) and stakeholders e.g. trade associations (19%). Building professionals comprise just over a tenth (13%) of responses and the remainder is spread evenly over product manufacturers, construction firms, voluntary organisations and statutory public/government funded bodies. 'Other' respondents include insurers, retailers and building owners.

A total of 246 participants attended the consultation events; please refer to Appendix 1 for a breakdown of participant type.

Note: throughout the remainder of this report, the commentary highlights key points of difference in the findings, by respondent group. Care should be taken when interpreting these findings, particularly when they are based on low base numbers of respondents (as indicated in the chart above). The commentary should therefore be regarded as indicative.

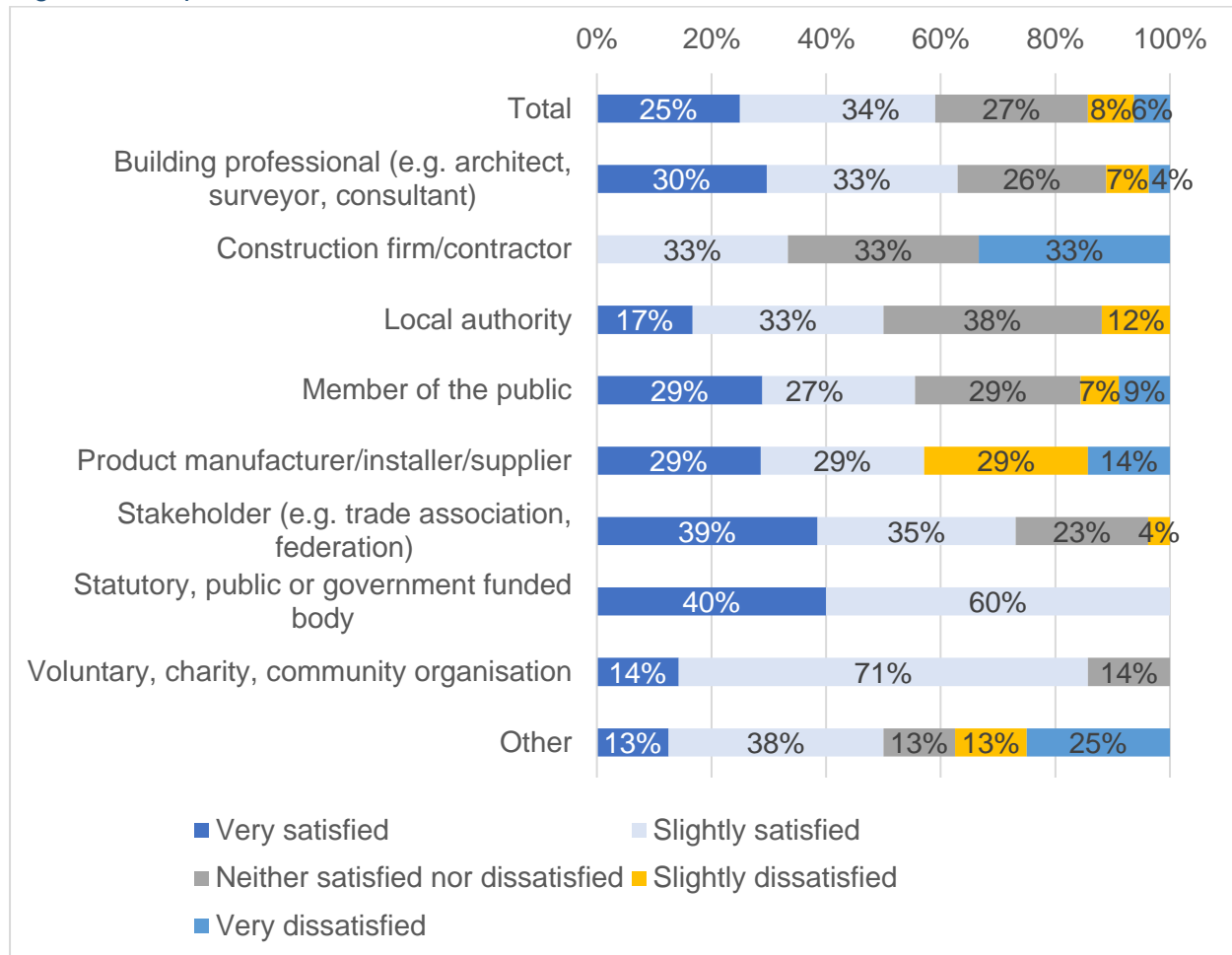
Figure 2: Respondents responding as individuals or representing organisations



Almost half (47%) of respondents responded as individuals whereas just over half (53%) responded on behalf of organisations.

2.2 Respondents' opinions of the consultation

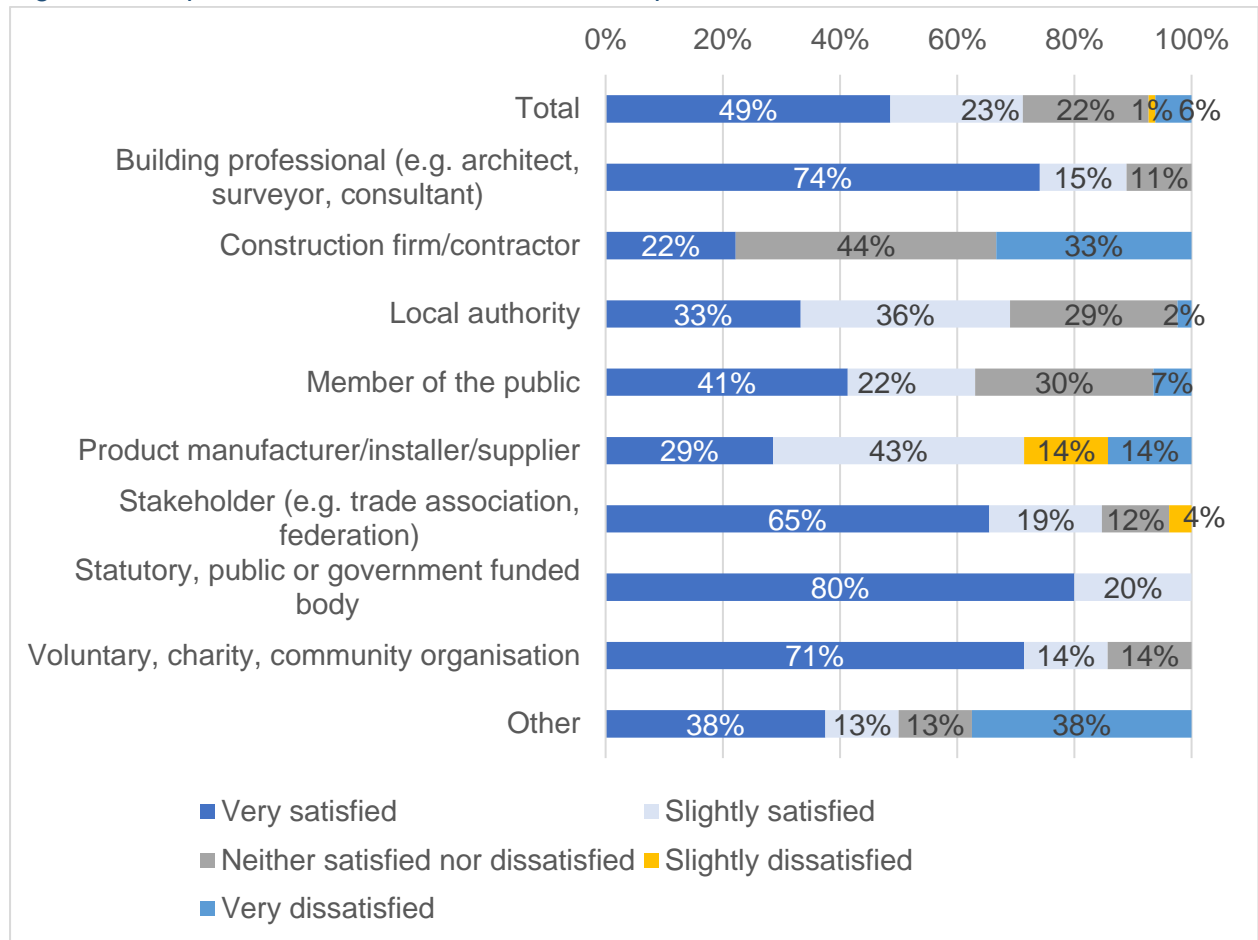
Figure 3: Respondents' satisfaction with the consultation



Few respondents expressed dissatisfaction with the consultation, a total of 14% stating they were either slightly dissatisfied or very dissatisfied. A quarter of respondents were very satisfied with the consultation.

The highest levels of satisfaction were amongst 'statutory, public or government funded bodies' and 'stakeholders'. Lowest levels of agreement were amongst 'construction firms/contractors'.

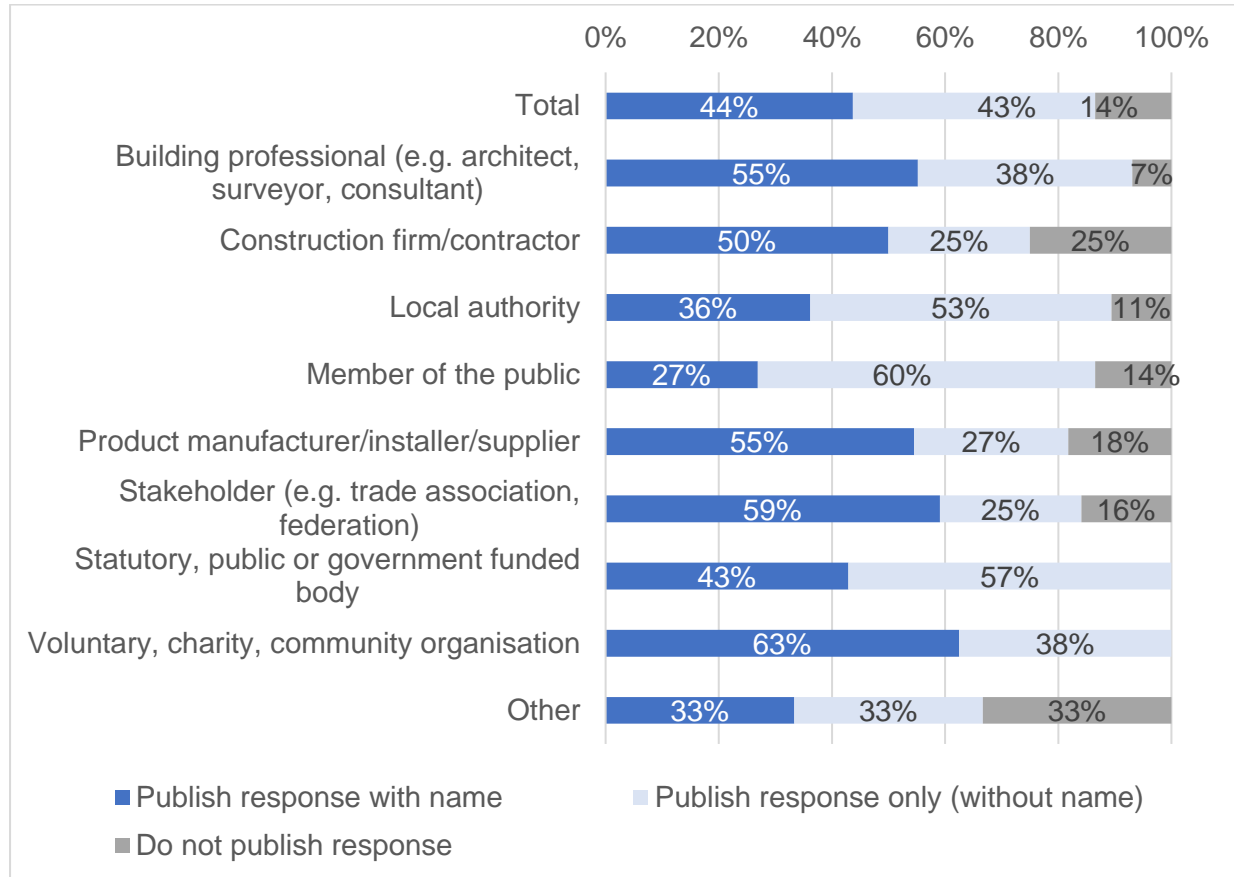
Figure 4: Respondents' satisfaction with Citizen Space



Respondents generally were satisfied with using Citizen Space to respond to the consultation. Almost three quarters (72%) were satisfied or very satisfied.

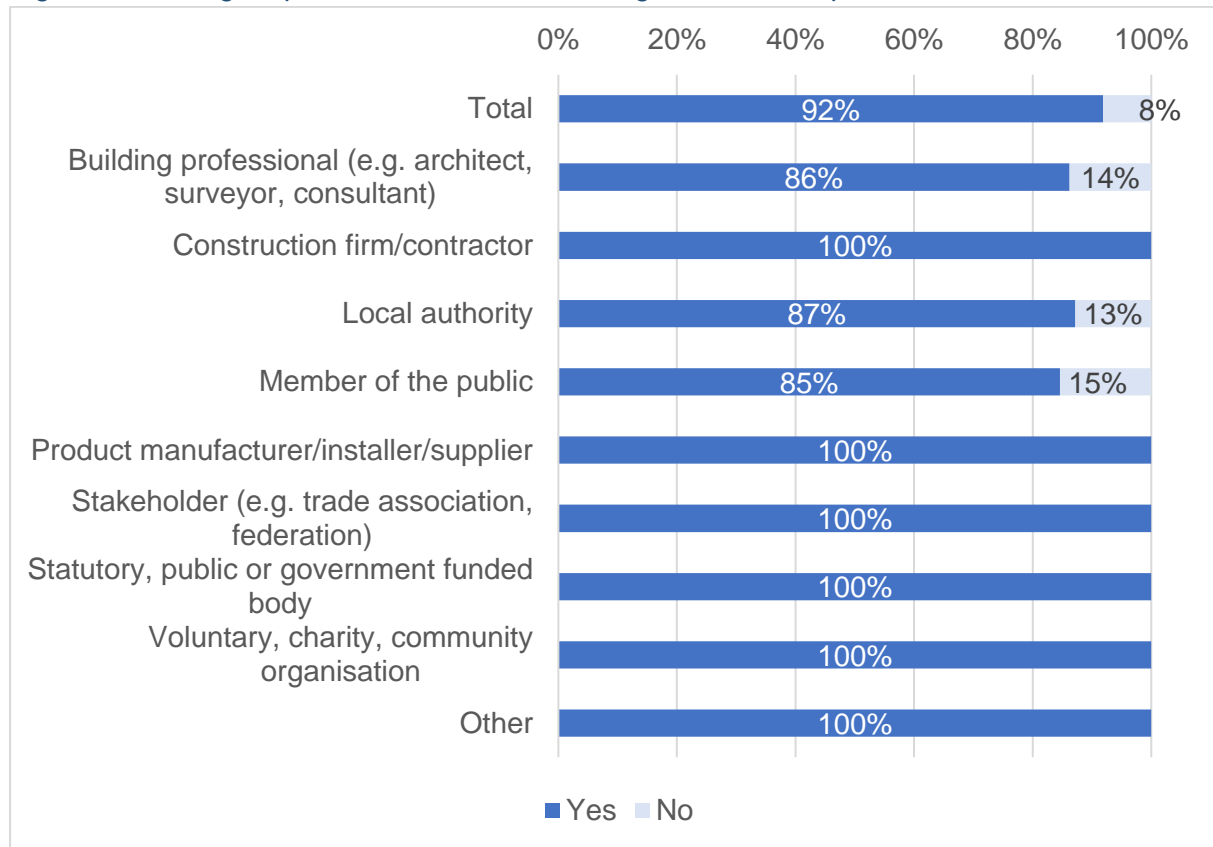
2.3 Anonymity and sharing responses

Figure 5: Publishing responses



Respondent were almost equally divided between those who would allow attributed publication of their response (44%) and those who would only allow their response to be published anonymously (43%). A minority of respondents (14%) would not allow their response to be published.

Figure 6: Sharing responses with other Scottish government departments



The majority of respondents (92%) would not object to their response being shared with other Scottish government departments.

3. Building Standards (Compliance and Enforcement)

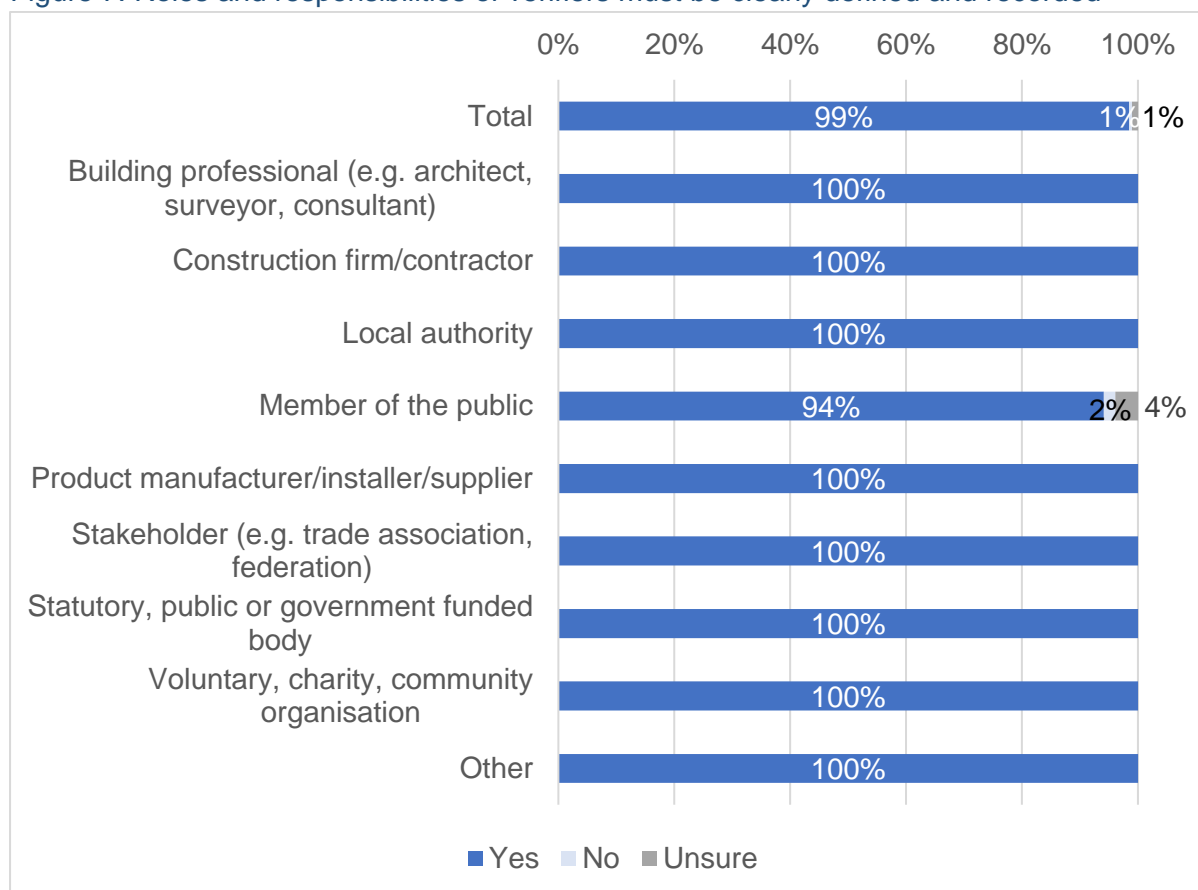
3.1 Verifier roles and responsibilities

Consultation question 1.1 asked:

“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?”

Of the 222 respondents, 205 (92%) responded to this question, as set out below:

Figure 7: Roles and responsibilities of verifiers must be clearly defined and recorded



The vast majority (99%) of respondents agree that the roles and responsibilities of verifiers (including their key activities) must be clearly defined. Of those who answered ‘yes’ to this question, 117 provided a rationale.

The majority of respondents agree that definition clarity, more and consistent resourcing of verification (that is supplemented by meaningful enforcement) and better skilled verifiers are required. One of the key issues that is cited across respondent types is the lack of transparency and clarity throughout the construction industry in all quarters. A key finding of the face-to-face consultation events was that there was a severe lack of meaningful enforcement across the industry.

Regarding clearer definitions, the Operating Framework and Performance Framework for Verifiers is recognised amongst LAs as a tool to provide clarity of their duties, but it is deemed inadequate and vague by some. A greater stipulation on developer requirements would help distinguish and better clarify the role of the Local Authority verifier. Building Professionals suggest that the robustness of verification is based on finance and timings rather than roles and responsibilities. Contractors expressed the view that too much risk is placed on them rather than on the verifiers and those delays are their biggest concern for both on and off-site manufacturing. The interaction between verifier types was also highlighted as an area that should be addressed.

There is a consensus of views across respondent groups on numerous points, namely that:

- a minimum requirement for skills and resource should be dictated by the Scottish Government;
- resources are almost always deemed insufficient with the verifier role being stated as cumbersome;
- resource reduction and mismanagement are compounding this issue;
- a lack of resources has also led to poor and unsafe verification practices and provides accessibility to the sector for rogue traders.

With reference to skills and experience, many noted that experience and influence are commonly uneven and that there needs to be an up-skill in verifiers, particularly in fire safety and engineering where consultation is often unchallenged. This was also noted in cases where verifiers are checking the work of colleagues which is perceived as leading to a lack of independence in verification.

Some comments suggest that 'lessons learnt processes' are lacking which subsequently lead to repetitive failures.

Members of the public were the only group to disagree with the proposal.

- One respondent did not agree with the question. In their view, the proposal does not address the issues the industry is facing and that it is a UK problem, not a Scottish one. It is stated that government and Local Authority are

reactive rather than proactively addressing issues before problems arise. Concern was also expressed regarding the lack of clarity as to what constitutes 'a tradesperson' in what is an unregulated industry.

- The one respondent who answered 'unsure' believed defining and recording roles and responsibilities may lead to additional bureaucracy.

“The role of verifier should be clear at each stage of design and construction and their role should be adequately resourced for the volume and complexity of buildings subject to building warrant applications in their Local Authority area.”

Property Management

“I had a situation in 2015 where I applied for building warrant for a hospital building in Glasgow but submitted only architectural drawings and the client's cheque (the services and engineering information was delayed). We expected building control in Glasgow to sit on it, so it came as a shock when we received FULL building warrant a few weeks later. It was patently obvious that no meaningful verification was taking place and that in effect we alone were protecting the public interest.”

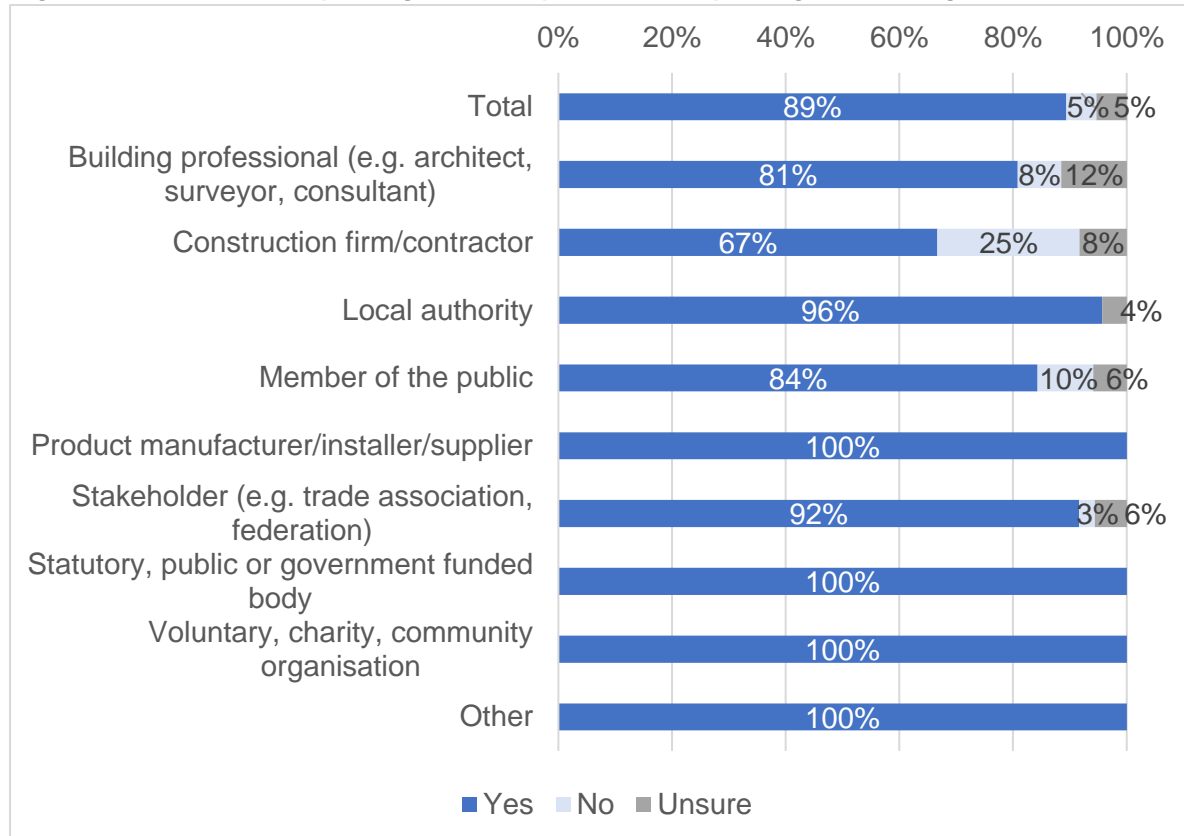
Member of the Public and Architect

Consultation question 1.2 asked:

“Do you agree that verifiers must place a greater emphasis on inspection and testing throughout construction and at completion?”

And sought comments from respondents to explain their view. Of the 222 respondents, 206 (93%) responded to this question, as set out below:

Figure 8: Verifiers must place greater emphasis on inspecting and testing



Almost nine tenths of survey respondents agree that verifiers must place greater emphasis on inspection and testing throughout construction and at completion. Least in favour were ‘construction firms/contractors’. Of these total respondents, 121 provided comments to support their response.

Most respondents state it is essential or crucial for a stronger focus on safety critical aspects throughout the build, particularly on-site verification. It was also highlighted that checks should be documented and recorded, and it should be made clear what these checks should be.

Resourcing and skills are recognised as barriers which need to be addressed although they seemingly contradict strategic direction that has aimed to reduce

verification on-site. These respondents state that two other factors should also be considered, namely:

- it would be impractical to expect full verification;
- not all failings are malicious and often it is a lack of interaction and understanding between different installers that leads to unintended consequences and failures.

A more effective testing regime with clearer labelling and product traceability is thought to be also required. Finally, respondents expressed a need for changes to be supported by legislation change and enforcement.

Those who answered 'no' to this question gave various reasons for their views. Some questioned why greater emphasis could not be placed on inspection and testing throughout construction and at completion noting resourcing as an issue, a lack of willingness or requirement to take on the responsibility and liability. Some suggest there is in fact no evidence to support a greater emphasis on inspection and testing.

Most of the nine respondents who are unsure about the proposal recognise that inspection and testing is an issue for verifiers to complete in terms of capability and effectiveness. It is deemed that too much focus is placed on off-site and plans and not enough on the on-site which has numerous variables.

Those who answered 'no' or 'unsure' in this section were predominantly from construction firms and building professional categories.

“Verifiers should ensure that an emphasis is placed on inspection during construction and that they have the skills and experience to undertake this work. Owners and developers must have responsibility for ensuring all standards are met and that they have adequate checking and recording procedures throughout the duration of the construction.”

Statutory, Public or Government Funded Body

“To deliver a greater emphasis on inspection and testing, verifiers must be adequately resourced, appropriately structured and funded. The FMB believes that without the necessary financial resources and sufficient numbers of trained and competent staff, Local Authority verifiers will not be able to deliver a greater emphasis on inspection and testing.”

Stakeholder

“Random inspection at any time should be implemented but also this is a staffing issue and BS have been starved of equipment and resources for years. There is no substitute for a Clerk of Works on a project regardless of the size.”

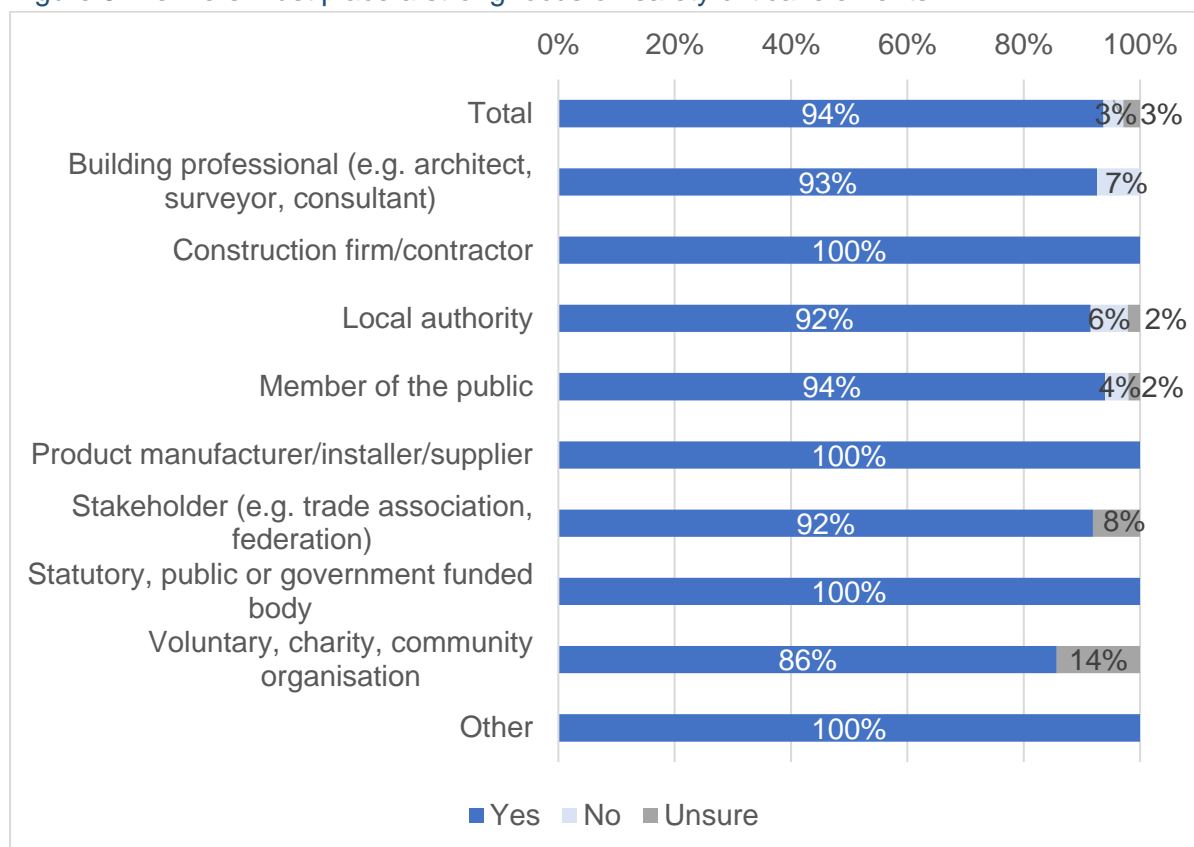
Member of the Public

Consultation question 1.3 asked:

“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.”

Of the 222 respondents, 207 (93%) responded to this question, as set out below:

Figure 9: Verifiers must place a strong focus on safety critical elements



This question also elicited a high degree of agreement (94%). Of these respondents, 119 provided further feedback.

Most believe there already is a strong focus on safety critical aspects and that it is vital that this take place as the wording suggests. Some suggested that a holistic approach is taken to non-safety critical aspects in construction and that the current approach to low risk is retained in its current form, but with a greater focus on high risk and complex design builds.

Six respondents who disagree with the proposal (mainly Local Authorities and 'Building professionals') provided further information, generally suggesting that

Building Standards cannot be the sole means of securing improved levels of compliance and the expectation that they can effectively check all safety critical elements is unrealistic. On-site supervision and contractor training was also suggested as an area for improvement. Supervisors and contractors would need to take some level of responsibility for verification. This is compatible with the Construction Compliance and Notification Plan (CCNP) which seeks to give the best verification opportunities to verifiers and accounts for the wider role of Building Standards.

Four respondents who were unsure with the proposal accepted the importance of safety critical aspects and the focussing upon them, but they suggested that there was little evidence that current practices are inadequate based on the practicalities of resources. A couple noted the need to consider the cosmetic appeal of these aspects for potential occupants.

“We agree that verifiers should place a strong focus on safety critical elements. The current risk-based approach to site inspection relies heavily on verifiers being notified by developers that construction works are underway and key stages have been reached. Evidence gathered to date clearly demonstrates that the main reason for a Construction Compliance and Notification Plan (CCNP) not being fully achieved, is due to the lack of such notification provided by a developer. As a result, the opportunity to inspect safety critical work is significantly reduced, leaving verifiers seeking alternative evidence by way of reports, disruptive surveys, photographs, etc. to meet their ‘reasonable inquiry’ obligations. Other proposals outlined in this consultation should go some way to address this issue. However, this may require an increase in the number of inspections and verifiers must resource accordingly.”

Local Authority

“Verifiers cannot be expected to undertake site inspections; they are the contractor’s responsibility.”

Building Professional

“Yes, in principle. With reducing public confidence, in the wake of the Grenfell fire and the Edinburgh School collapse, these should be focused on high risk buildings and mandated in standards applicable to them. This should focus on building designs where there is a clear need for increased fire or structural safety critical areas and be supported by evidence backed QA where appropriate. However, there is not sufficient evidence within general low-rise housing development to merit additional inspections and testing relating to fire or structural safety. Some consideration should be afforded to more complex residential buildings or apartment designs where fire safety and structural design

is to some degree more onerous, and improved testing and inspection would seem appropriate and viable. The focus must be on high risk building classifications, be that determined through occupancy classifications, location, building height or design/construction complexity.”

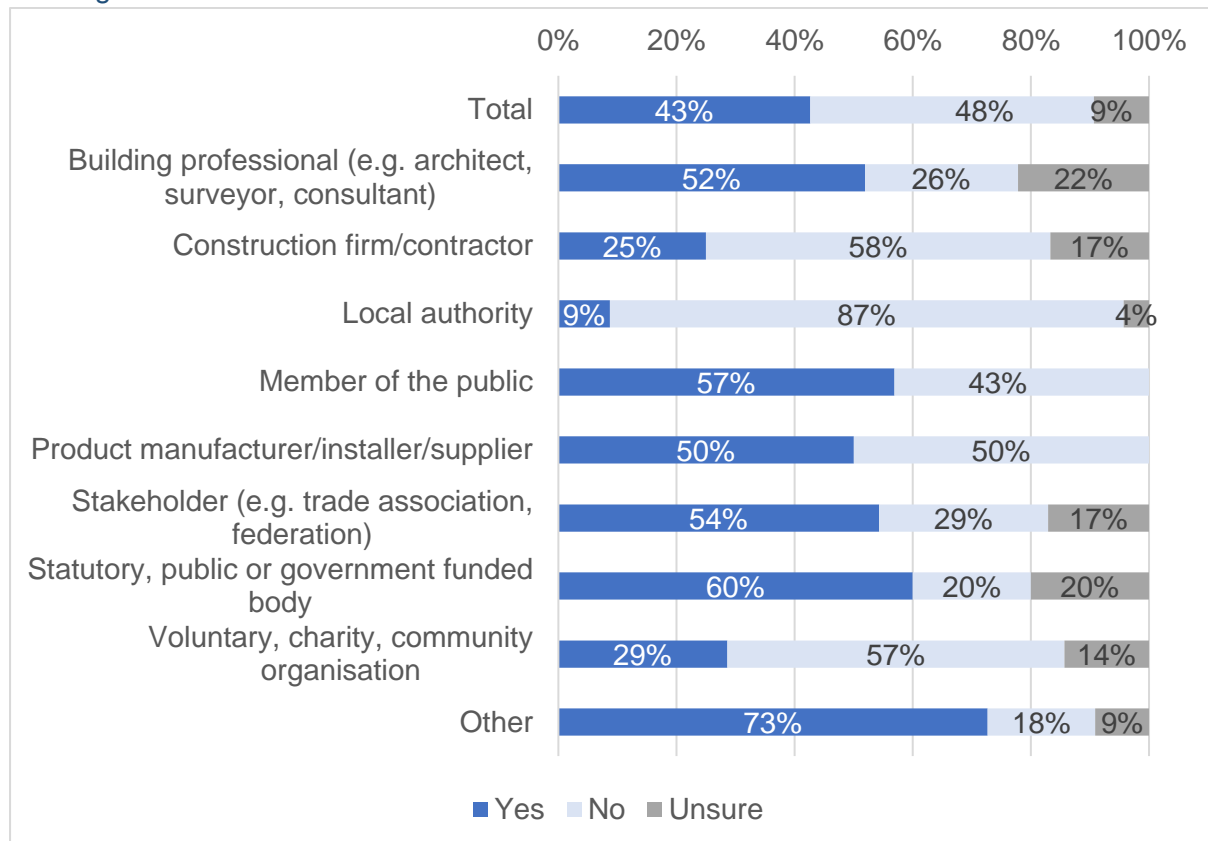
Construction Firm/Contractor

Consultation question 1.4 asked:

“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?”

Of the 222 respondents, 204 (92%) responded to this question, as set out below:

Figure 10: Local Authorities should not be able to act as verifier for their own 'higher risk' building work



The question of whether Local Authorities should not be able to act as verifier for their own 'higher risk' building work due to possible conflicts of interest divided respondents almost equally. Just over two fifths (43%) agreed with the proposal, however a slightly higher proportion (48% disagreed). Responses were mixed across the different respondent groups. Least in favour of the proposal are Local Authorities,

suggesting that they should be able to act as verifier for their own 'higher risk' building work.

Thirty-three of those who agreed provided a rationale. Many respondents, including some LAs, agree that self-verification should not take place. LAs highlight some practical issues with accessibility if verification of building work is undertaken by an LA other than the one where the work has been carried out. These LAs also highlighted potential cost implications regarding the use of different Local Authorities and indeed this would be the case for third-party verification. Many respondents that responded positively believe verification should be totally independent from LAs.

The majority of the 77 respondents who provided reasons for their no response stated that there was little evidence for change to the current practices, with individuals citing a 2011 Peer Review Process and the Cole Report as supportive evidence to the contrary. It was deemed that, as professionals bound by codes of conduct, there should be no conflict of interest and that it is often the case that there is overcompensation to satisfy such un-voiced allegations. Other comments, although less frequent, questioned who else would perform verification and suggested that the requisite skills and experience would be lacking in any third-party verification.

Those who answered 'unsure' did so from a variety of perspectives, highlighting concerns relating to self-verification, sister LAs and third-party verification. These respondents cited a lack of evidence to support the proposal and the increased cost in implementing this option were potential barriers. A handful also stated that greater focus should be placed on the experience of the verifier rather than on the organisation through the implementation of an accreditation system for verifiers.

"We would expect that any verifiers (whether employed by the Local Authorities or other bodies) are professional and impartial with all processes being transparent and accountable."

Construction Firm/Contractor

"The use of independent assessors and verifiers is useful although should not be a compulsory requirement. Internal assessment secures a connection with the process and the internal resource also has a long-term commitment to the organisation and project. Providing the skill set and competence exist this should be the right person, not just any person because they are external to the business. A core accreditation system would be worth considering ensuring that the registered verifiers are competent and receive CPD to sustain their levels of knowledge."

Voluntary, Charity, Community Organisation

“Regrettably yes, I do feel that Local Authorities should not verify their own “higher risk” building work as, in my opinion, potential conflicts of interest would be hard to avoid. I have witnessed serious pressure being placed upon LABS by elected members/other Departmental colleagues during PFI/PPP school expansion projects in the mid 2000’s. Whilst I believe that the Scottish Futures Trust procurement approach has potentially reduced these conflicts between Authority service delivery and verification/enforcement responsibility, the findings of the Cole Report, related to potential failures in verification, cannot be ignored.”

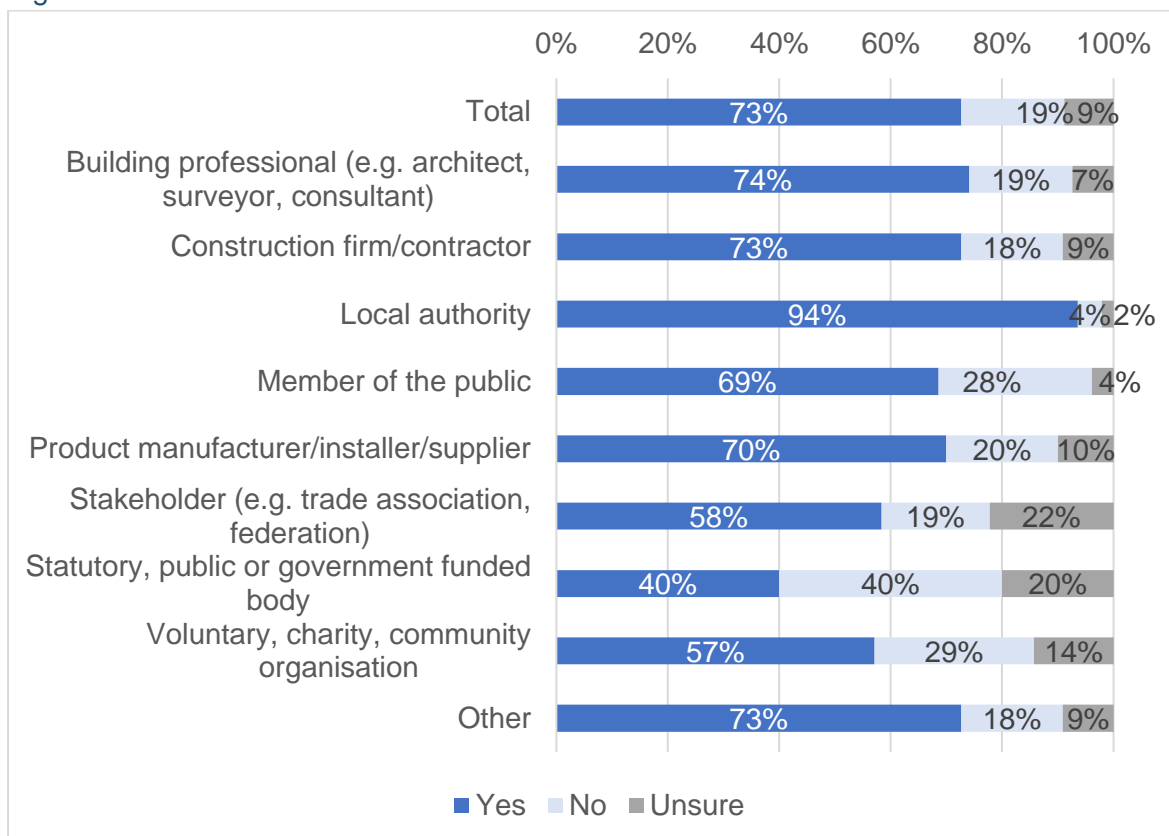
Member of the Public

Consultation question 1.5 asked:

“Do you agree that local authorities should still be able to act as verifier for their own lower risk building work?”

Of the 222 respondents, 205 (92%) responded to this question, as set out below:

Figure 11: Local Authorities should still be able to act as verifier for their own lower risk work



Just under three quarters of respondents agree that Local Authorities should still be able to act as verifiers for their own lower risk work (including 94% of Local Authority respondents). However, almost a fifth disagreed.

Most respondents who provided supporting comments repeated their response to the previous question. Some may require more clarity on the definition of what is meant by 'high risk' and 'lower risk' to provide an informed response to this question. The majority of respondents highlight the need for governance but view the skills and local expertise of the LA as a necessity. This need for definition drew wide consensus in face-to-face consultation events where it was suggested the implementation of a risk matrix would have utility.

Most respondents who answered 'no' recognised the need for impartiality and independent verification. Some considered that this could change if the differential between low and high risk was more clearly defined. However, most suggested it was irrelevant and should not factor above conflict of interest. It was supposed that any attempt to allow self-verification even using a risk matrix and risk assessments to meet requirements would be abused when confronted with political or internal pressure to achieve completion.

Those who are unsure provided mixed views. There was a suggestion, in fitting with the suggested need for impartiality, that a competent person scheme could work to assure quality and reduce the burden on LAs. The use of additional random verification or a Clerk of Works regime were also deemed as effective ways to combat potential conflicts of interest. Respondents also cited a lack of evidence and the need to balance change with resource availability as rationale.

"In principle I agree, however there needs to be correct governance, checks and balances in place to ensure that standards are met."

Statutory, Public or Government Funded Body

"We recommend that consistency is applied. By requiring Local Authorities to pass over all of their projects of any size, it avoids the requirement to have complicated or controversial boundaries between what types of projects can and can't be dealt with internally. This will act to remove the possibility of political pressure being applied from within a Local Authority."

Building Professional

"In some cases, this may be possible but from experience in other regions there is some building work that Local Authorities simply do not have the resource to act as verifier personally. In England and Wales competent person schemes have been in operation officially since 2005 whereby appointed scheme operators providing specific sector skills have been authorised to allow their members to self-certify certain building work. Since 2014 MHCLG brought in conditions of authorisation which are now audited and accredited by the United Kingdom

Accreditation Service (UKAS) and ISO17065 (international standard for certification of products processes and services). The competent person scheme operators certify over 3 million jobs per year which alleviates Local Authorities from this burden.”

Stakeholder

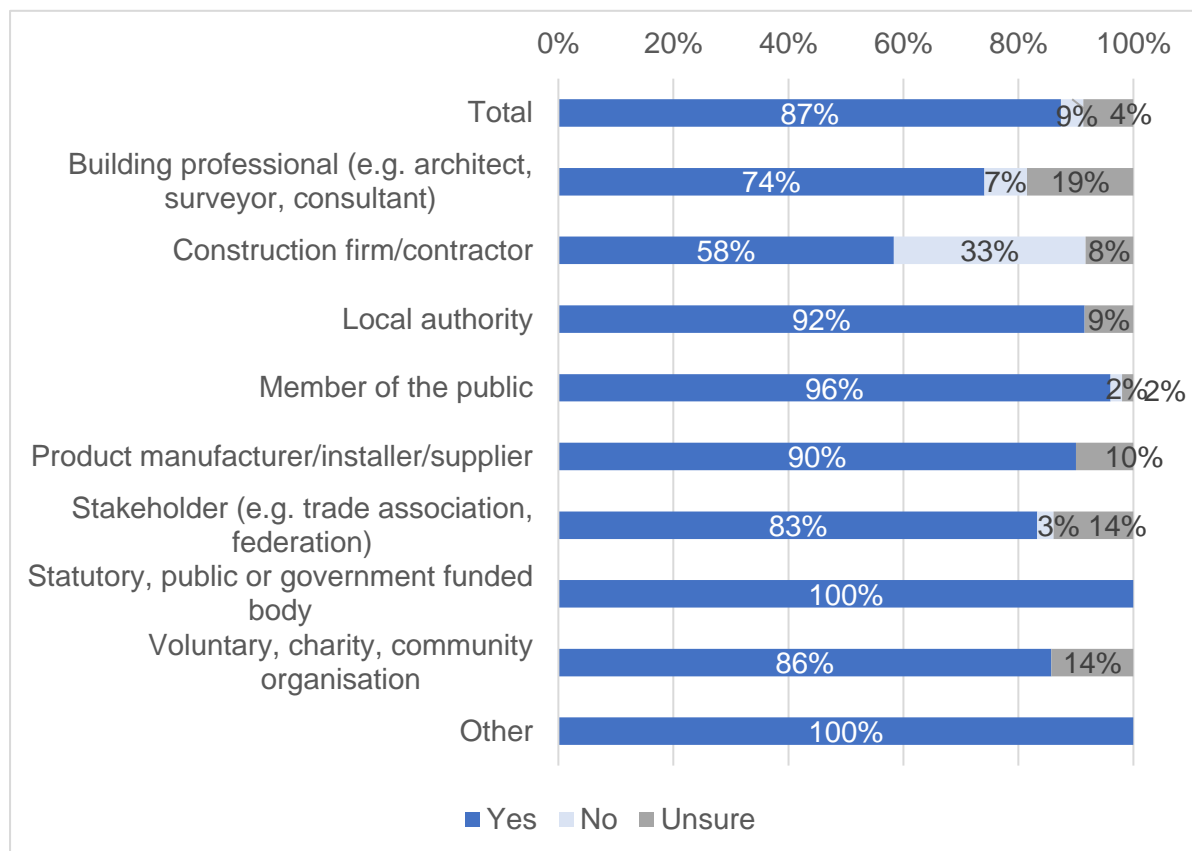
3.2 Building owner or developer

Consultation question 1.6 asked:

“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?”

Of the 222 respondents, 207 (93%) responded to this question, as set out below:

Figure 12: Roles and responsibilities of building owners and developers must be clearly defined



Most respondents (87%) agree that roles and responsibilities of building owners and developers 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. Greatest disagreement came from 'Construction firms/contractors'.

Of the 98 who provided further information in support of a 'yes' response to this question, most are fully supportive of this as a concept but voiced concerns that the potential for additional bureaucracy could outweigh the value of the proposal. This was predicted to be a particular difficulty where LAs are already experiencing resourcing challenges. The definitions are considered by some respondents to already exist in Construction (Design and Management) Regulations (CDM). CDM Regulations were specifically highlighted by 12 respondents, with two of those (building professionals) making a link between CDM and Building Standards – suggesting that both of these documents should, and already do, clearly set out roles and responsibilities. One of these respondents suggested, however, that the expected and actual level of resource and skill should not be recorded by Building Standards, because it is already covered in CDM. It was also widely commented that build compliance is an issue of greater concern than roles and responsibilities, but that communicating the roles and responsibilities nationally would be helpful.

Of the limited negative responses, these suggested that roles and responsibilities are already clearly defined but just not publicised. There was also a view highlighted that the general public's perception is one of the council being responsible in all cases rather than owners and developers sharing some of that responsibility.

The majority of those who answered 'unsure' in response to this question stated that they were already defined. Responses highlight a need for greater clarity over the compliance requirement.

"Clarity on the responsibilities of owners and developers will be key moving forward, both for customers and ourselves, but also for the general public, who more often than not, do not understand the role of the verifier, confusing us with planning officers, Clerks of Works, environmental health officers, trading standards and a quasi-legal construction police force. We are often also confused with the HSE when there are complaints about the operation of a construction company. A clear definition of the role of a Clerk of Works, and their employment by a client would also be extremely beneficial. In Highland it is noted that there are not many Government driven publicity or consultation events outside of the central belt, with Aberdeen also a substantial travel from areas of the Highlands. Moving forward any and all events publicising the role of parties in the construction process, particularly building standards, MUST include events in the

Highland Council area. Most professional bodies also struggle to accommodate highland professionals in events, and the Scottish Government has an opportunity to lead the way.”

Local Authority

“Building Standards, and CDM2015, should, and in fact already do, clearly set out the roles and responsibilities of owners / developers. Perhaps these need to be stressed more in the Warrant system. Owners / developers should appoint named qualified and competent design professionals at the start of the project. These should maintain responsibility for any changed / design decisions made throughout construction.”

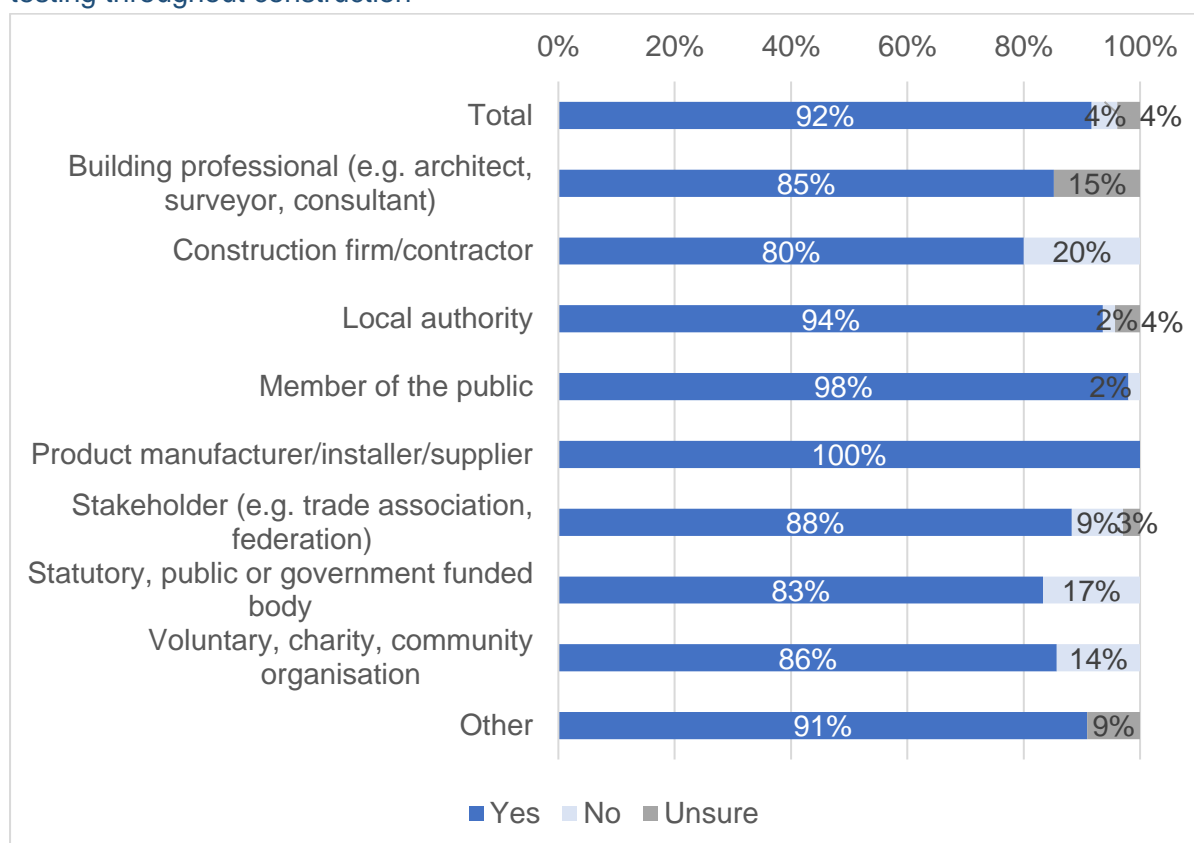
Building Professional

Consultation question 1.7 asked:

“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?”

Of the 222 respondents, 203 (91%) responded to this question, as set out below:

Figure 13: Building owners and developers must place greater emphasis on inspection and testing throughout construction



Just over nine tenths of respondents agree that building owners and developers must place greater emphasis on inspection and testing through construction. The remainder were almost equally split between being unsure and disagreeing with this proposal.

Most of those who answered ‘yes’ highlighted that the responsibility to ensure compliance should be with the lead designer and contractor for practicality reasons. However, a number of risks were identified with this approach, with respondents suggesting that designers and contractors could: prioritise cost over quality, lack accountability and, that enforcement would do little to deter would-be offenders. This

was also the view of participants in the face-to-face consultation events. It was suggested that two activities would improve the current situation:

- verification throughout the build process and,
- the use of a Clerk of Works.

Some suggested a Clerk of Works should be mandatory and others, that it is only a necessity for high risk projects.

The majority of respondents who answered 'no' had two clear reasons for their response. Firstly, that such a stipulation would be 'overkill' and, secondly, that owners and developers would be unlikely to have the required skills to provide this to a high enough standard.

Those who were unsure questioned what 'greater emphasis' truly means, and voiced concerns over practicalities and the lack of rigour without third-party involvement.

“Safety critical elements should be subject to closer, more robust and more expert scrutiny across the building life cycle to improve building safety. Further testing should be demanded by building owners and developers when concerns arise regarding the performance of safety critical elements or their suitability for specific applications. Additionally, overall, a more effective testing regime with clearer labelling and product traceability is required.”

Product Manufacturer, Installer or Supplier

“I completely agree that a significantly greater emphasis on inspection and testing of the safety critical elements. Regrettably, significant personal experience, both as a Regulator and as member of client-side design team, has shown that the client (or owner) sees no part for themselves in inspection and testing, being the responsibility of the Contractor, “value tested” as necessary by LABS. Again, in my experience, the Contractors’ attitude tends towards a lack of strategic understanding of any of the safety critical elements within the design, normally being responsibility of specialist sub-contractors who will, in all probability, not be on site throughout the project term, but brought in at a late stage to “finish” things off. This approach is, of course, completely against the intention of this Consultation i.e. that the safety critical elements are installed and completed, as soon as practicable, in order to maintain the building integrity. Early installation of the elements will also facilitate the extended LABS inspection team discussed at 1.3 as the safety critical elements will be clearly visible, rather than obstructed by other building elements.”

Member of the Public

“Building owners and developers might not be equipped with the necessary skills and knowledge to understand the requirements of inspection and testing. However, there could be more of an emphasis on raising awareness amongst these groups about the importance of inspection and testing with a focus on safety critical elements.”

Volunteer, Charity, Community Organisation

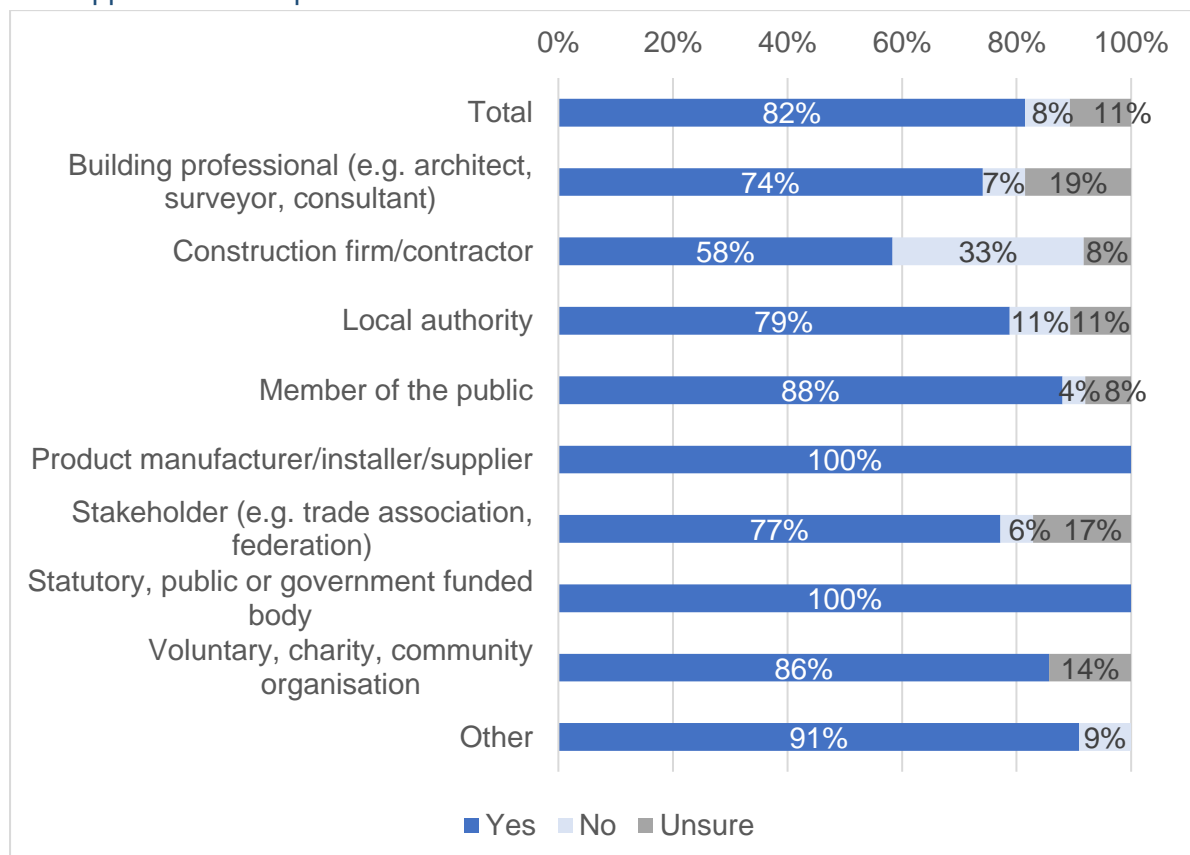
3.3 Compliance plan

Consultation question 1.8 asked:

“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?”

Of the 222 respondents, 205 (92%) responded to this question, as set out below:

Figure 14: A Compliance Plan should be provided by the owner or developer to demonstrate their approach to compliance



Just over four fifths of respondents agreed that a Compliance Plan should 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. The sense from the events tends to suggest a lot of what is proposed is already done, with some commenting that introducing a Compliance Plan would be viewed by contractors as requiring another tier of information. These findings suggest respondents did not fully understand the intention of the proposals to introduce a Compliance Plan. All 'Product manufacturers/installers/suppliers' were in favour, with most disagreement coming from 'Construction firms/contractors'.

Of the respondents agreeing with this proposal, 102 provided an explanation for their views. The majority of respondents agree in principle to the requirement for a Compliance Plan, stating the benefits as adding transparency and structure to the compliance process, alongside ensuring that owners and developers are aware of their responsibilities. Some went on to state that Compliance Plans would give assurance that newly-completed buildings will comply with building standards. Several respondents would like Compliance Plans to run for the lifetime of the building, suggesting a lack of understanding of their function, with a view of some during face-to-face consultation that named individuals should be held accountable to support future enforcement.

One group of respondents agrees with the proposal but had reservations around enforcement, particularly how this would be resourced and what the sanctions for non-compliance would be; these concerns were particularly prevalent among Local Authority respondents.

Other concerns focus on the adverse effect Compliance Plans could have on approval times. Some Local Authority respondents who agree with the requirement for Compliance Plans suggest that they would, to an extent, duplicate some of their existing systems.

There was general agreement that Compliance Plans should only apply to complex or high risk buildings, with a small group of respondents calling for these to be more precisely defined. This view drew wide consensus during the face-to-face consultation events.

The minority of respondents who disagree with the requirement for a Compliance Plan do so on the grounds that they have procedures in place that obviate the need for Compliance Plans or that these should not be necessary for low risk residential developments. These views are most common among Construction firms/contractors.

Other respondents stated that Compliance Plans duplicate the information used to compile Construction Compliance Notification Plans. A handful of respondents believe Compliance Plans lack the flexibility needed to accommodate changing circumstances through the build process.

Respondents who are unsure about the proposal had concerns that it would add to the bureaucratic burden, be a 'tick box exercise', would not be relevant to small scale developments or would require the owner to have specialist knowledge. In the face-to-face consultation events, there was also a strong view that verifiers would be shown what they wanted to see by those responsible.

“Strongly support a compliance plan which details all aspects of the work at every stage from design to completion. This would provide a clear record which could be followed particularly for complex buildings involving several contractors and numerous changes to personnel throughout the lifetime of the project.”

Statutory, Public or Government Funded Body

“A concern does arise, however, in how will this be policed? If an owner or developer does not put such systems in place where do the sanctions lie and who polices them?”

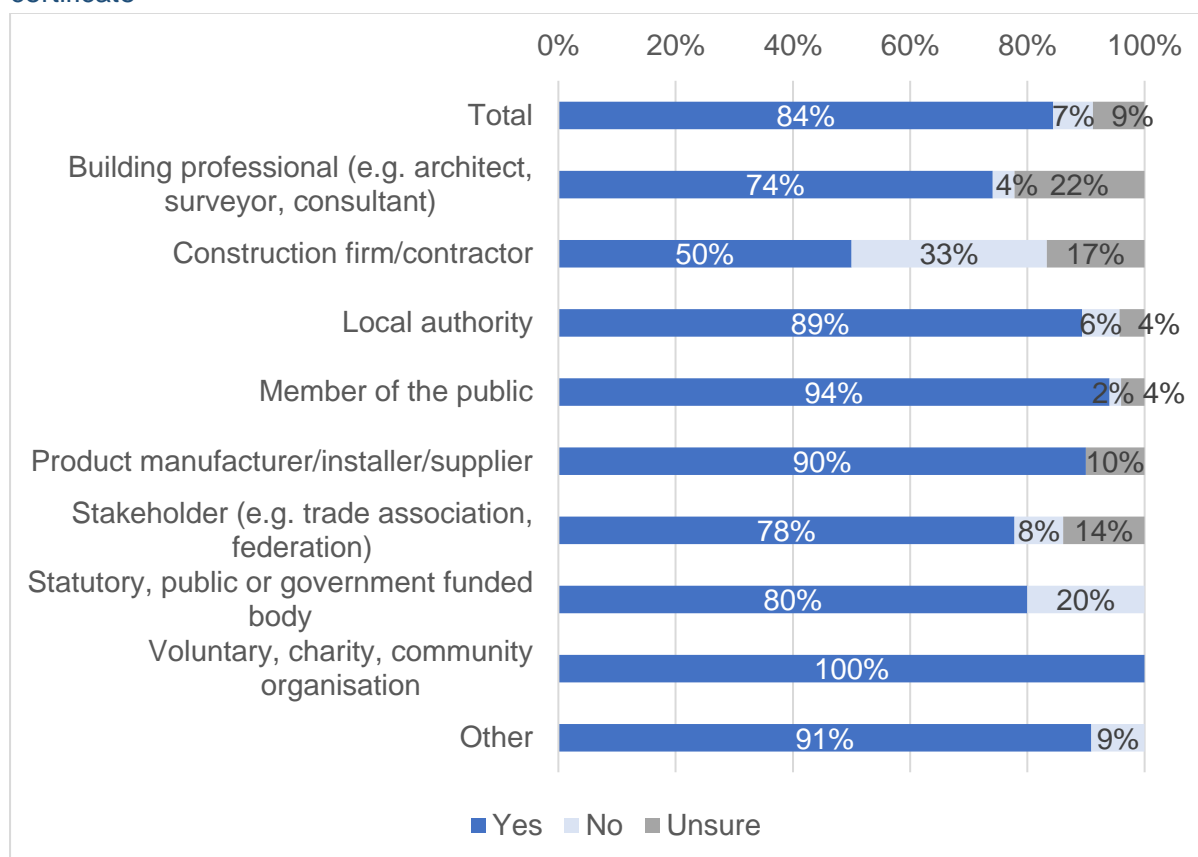
Stakeholder

Consultation question 1.9 asked:

“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?”

Of the 222 respondents, 205 (92%) responded to this question, as set out below:

Figure 15: The building owner or developer should be required to appoint a competent professional person to assure them of compliance when they submit the completion certificate



The majority (84%) of respondents 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. Enhancement by incorporating previous views of named individuals that are accountable when a lack of compliance is later identified would also be valued. Again, the group most disagreeing is 'Construction firm/contractor'.

Many of the 112 who provided additional information in support of their response highlight a perceived need for defining the qualifications, responsibilities and scope

of the competent professional person role. Some went on to mention a requirement for any such people to hold professional indemnity insurance, and that the system would require careful policing. Some respondents expressed doubt that one person could have the requisite skills for this role.

Respondents generally stated that the proposal should apply only to complex or high risk buildings. However, a minority were in support of the proposal applying to all projects. Many, particularly Local Authority respondents, are concerned about costs and how such a requirement would be enforced.

A small number of both those who were in favour of the proposal, and those who disagreed, voiced reservations about the extent to which the competent person could be impartial.

“The failures in construction often occur because of the number of different parties involved. This would be much improved by having a single person responsible for overseeing all work to ensure compliance.”

Stakeholder

“We would support this proposal. If the relevant person does not have the required skills and expertise to certify that work done complies with the warrant plans and regulations, then a competent person should be employed to demonstrate the commitment of ensuring responsibilities are met.”

Local Authority

Respondents who disagreed have concerns around increased costs and increased regulatory burden, with some suggesting that this would be a ‘tax on construction’ and that the requisite roles and skills already exist within established professional developers.

Several respondents who are unsure about the proposal stated that it should only apply to complex projects or that it could be done in-house; there was a feeling that if clients, designers and contractors have clear roles then there is no need for the competent professional person role.

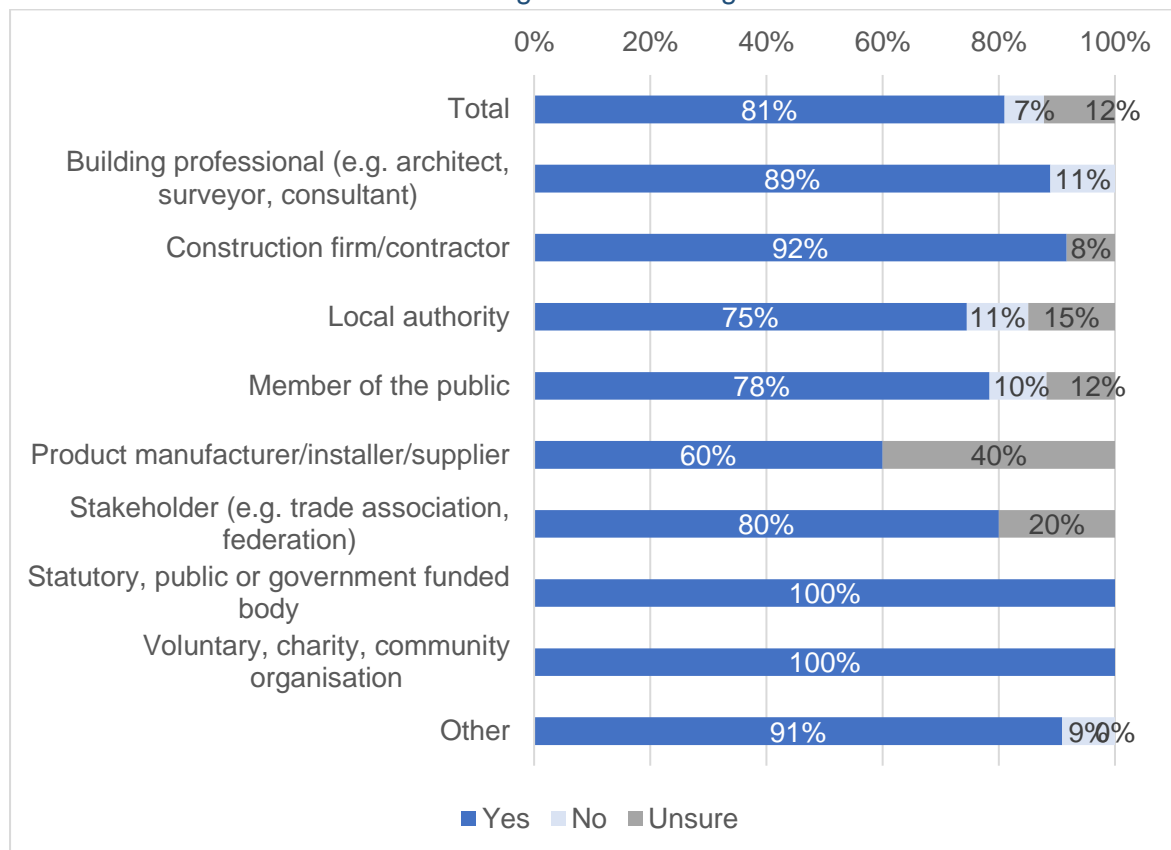
3.4 Building standards system

Consultation question 1.10 asked:

“Do you agree that mandatory pre-application discussions and pre-commencement of construction discussions should be introduced for higher risk buildings?”

Of the 222 respondents, 205 (92%) responded to this question, as set out below:

Figure 16: Mandatory pre-application discussions and pre-commencement of construction discussions should be introduced for higher risk buildings



Just over four fifths of respondents agree that mandatory discussions and pre-commencement of construction discussions should be introduced for higher risk buildings. Some of the 92 respondents who provided additional comments identified the benefit of early identification of safety critical factors; one Local Authority respondent had trialled pre-application discussions, with encouraging results. Local Authorities and ‘Construction firms/contractors’ were most likely to disagree with the proposals.

However, some who were in favour were concerned as to precisely how ‘higher risk’ buildings are defined. Local Authority respondents stated that a system of fees would

have to be introduced, especially as some proposals might not progress to warrant stage. Alongside concerns around fees, Local Authority respondents had reservations about how discussions would be resourced, pointing to the need for more staff with the appropriate training, knowledge and experience. Local Authority respondents thought the system might be unworkable if they were not allowed to verify their own work.

A minority of consultation respondents thought that pre-application discussions would be valuable but should not be compulsory. There were also concerns about how much time this might add to the application process and how much it might cost. A handful of survey respondents asked what the fee level would be and whether warrant fees would be adjusted to cover this – how else would costs be recovered? A small number of participants at consultation events made comments and suggestions on this point:

- The developer or client pays a fee;
- Funding is provided by the BSD (funded by an increase to warranty fees).

“Coordinating and maximising the benefits of this proposal would be challenging should Local Authorities not be permitted to verify their own work”

Local Authority

“It is far easier to address the issues on a drawing proposal than on a completed/partially completed building”

Statutory, public or government funded body

Some respondents who disagree with the proposal thought pre-application discussions might be a good idea, but were opposed to them being compulsory, while others suggested they add unnecessary expense to the application process. One Local Authority respondent suggested that there is a risk that verifying services become unpaid consultants for applicants progressing projects in other Local Authority areas; this was also alluded to during the face-to-face consultations.

Respondents who were unsure (mainly ‘Product manufacturers/installers/suppliers’) about the proposal generally thought pre-application discussions add value, but were opposed to making them mandatory, and had concerns about how they would be resourced.

Consultation question 1.11 asked:

“Do you agree that amendments to warrant should differentiate between minor changes, major changes, and staged warrants?”

Of the 222 respondents, 203 (91%) responded to this question, as set out below:

Figure 17: Amendments to warrant should differentiate between minor changes, major changes, and staged warrants



Seventy per cent of respondents agree that amendments to warrant should differentiate between minor changes, major changes, and staged warrants, with just over 20% being unsure. All ‘Construction firms/contractors’ and ‘Voluntary, charity and community organisations’ agree with the proposal.

Amongst those in favour, the most common comments from Local Authority respondents who agreed with the proposal concerned the perceived need for an accurate definition of minor changes, major changes and staged warrants. Some of these respondents highlighted the implications this would have for resources. Resourcing was considered a common barrier by all stakeholder types during the face-to-face consultations.

One Local Authority respondent stated that the fee structure for this approach should be closely examined, while another thought that the number of minor changes should be limited.

There was general agreement among building professionals that having a simpler system or self-certification process for minor changes would make the process more efficient, although another group of respondents went on to explain that sometimes seemingly minor changes could have major implications if they impact on a safety critical element.

The four comments received from Local Authority respondents disagreeing with the proposal referred to: unnecessary complication, and difficulties caused by differentiating between major and minor amendments. Meanwhile, members of the public and other stakeholders expressed concerns about the implications of minor changes on overall fire safety.

Respondents who are unsure about the proposal are predominantly concerned about how 'major' and 'minor' the amendments are.

“The mitigation of fire spread is dependent on details, such as applications of sealants, placements’ encapsulation and even the screw lengths to attach encapsulation. Minor changes may have significant effects. Distinguishing between minor and major changes may give the impression that minor changes are in general more acceptable.”

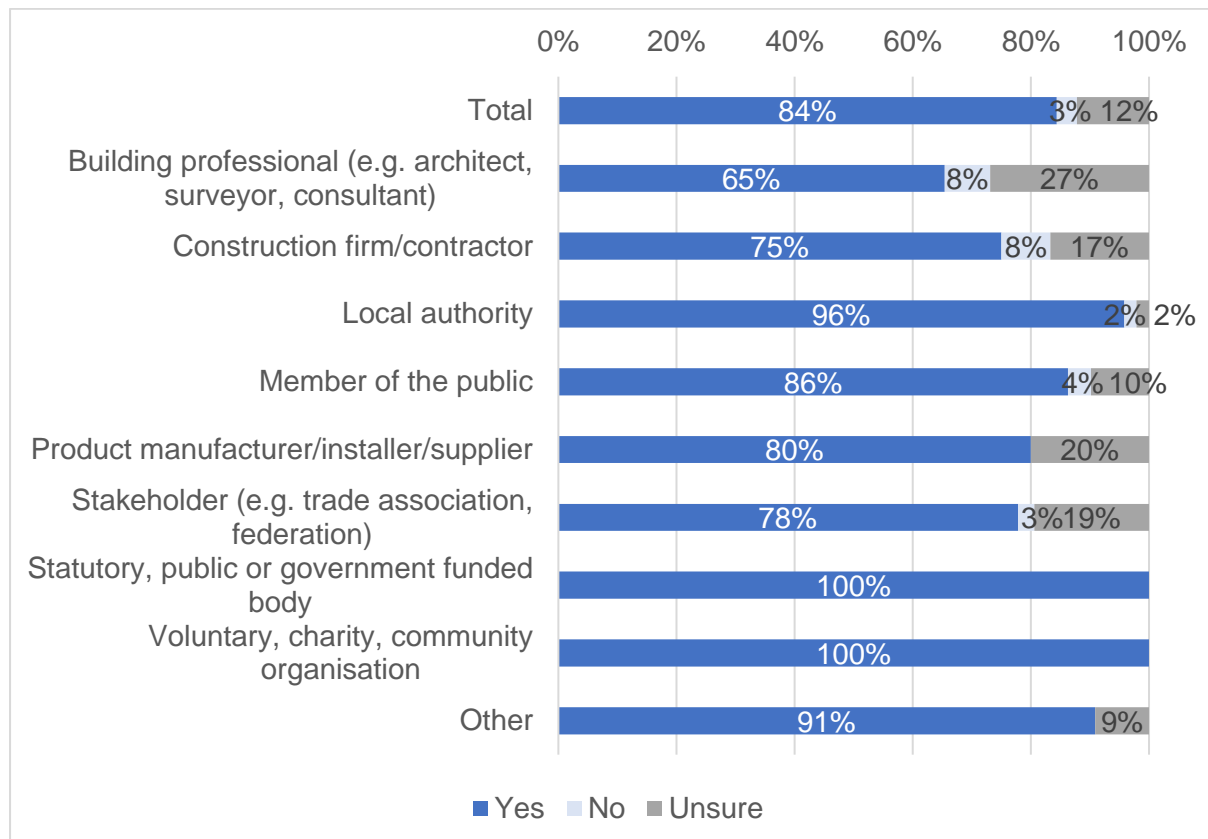
Academic

Consultation question 1.12 asked:

“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?”

Of the 222 respondents, 205 (92%) responded to this question, as set out below:

Figure 18: Construction processes and guidance should be reviewed, and mandatory notifications introduced



Over four fifths of respondents agree that the construction procedures and guidance should be reviewed and that mandatory notifications are introduced, including notification of progress on higher risk projects. Agreement is strongest amongst ‘Statutory, public or government funded bodies’ and ‘Voluntary, charity or communication organisations’, and weakest amongst ‘Building professionals’.

Some of those providing supporting comments called for guidance to be reviewed and strengthened for higher risk buildings to cover notifications, inspections, disruptive surveys and recording non-compliances. However, respondents agreeing with the proposal voiced concerns about the resource implications for Local Authorities and verifiers; these concerns are shared by many of those who disagree

with the proposal. One respondent suggested that there should be an audit of available resources before implementing the proposal.

Some Local Authority respondents suggested that the non-statutory status of the Construction Compliance Notification Plan (CCNP) should be addressed if inspections are to be vested in the CCNP system. There was a feeling that this proposal would assist verifiers to carry-out reasonable inquiry in a more proactive and efficient way, but it could only work if notification and enforcement functions of Local Authorities were coordinated effectively.

All categories of respondent thought that there should be a robust definition of 'high risk' projects which was consistent in both the online and face-to-face consultations. A minority suggested that notification should be introduced for all categories of project. One stakeholder, while agreeing with the proposal, suggested there should be some scope for streamlining the process for applications that have a quick turnaround, such as modular buildings.

The minority of respondents (mainly 'Building professionals and 'Construction firms/contractors') who disagreed with the proposal, and provided comments expressed various concerns, including: the potential for delays; the complexity of the proposed system; duplication of work done under the CCNP; and inflexibility.

Those who are unsure (mainly 'Building professionals') generally have concerns about a perceived increase in paperwork and delays, with one member of the public suggesting an alternative could be to agree a strategy of site visits.

"We believe this would be a welcome, positive and worthwhile thing for higher risk buildings. We would suggest more clarity and definition is needed of what higher risk buildings are."

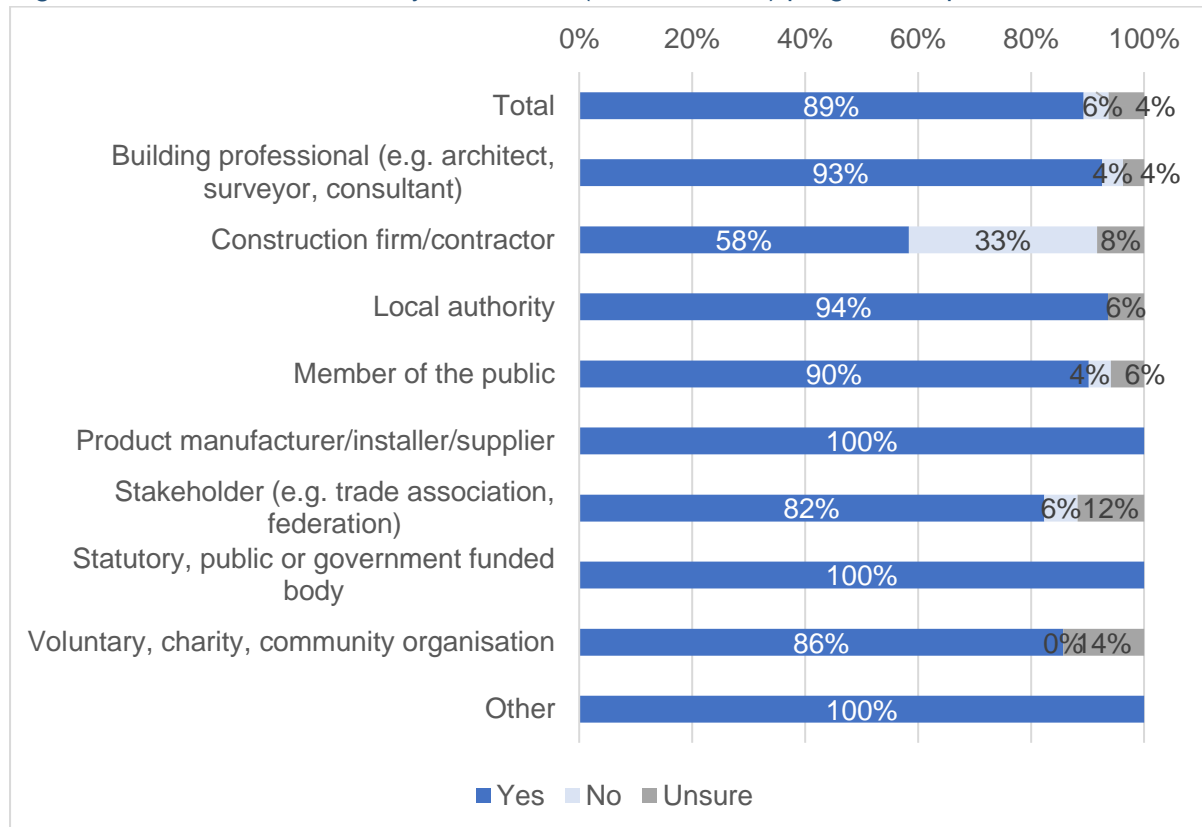
Construction Firm/Contractor

Consultation question 1.13 asked:

“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?”

Of the 222 respondents, 205 (92%) responded to this question, as set out below:

Figure 19: Verifiers should carry out ad-hoc (unannounced) progress inspections



The vast majority (89%) of respondents agreed 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. A third of ‘Construction firms/contractors’ disagree.

The most common concerns expressed by respondents agreeing to the proposal are around resourcing issues, with some feeling that with current staffing levels, the proposal would be unworkable.

Some Local Authority respondents suggest that disruptive surveys are the only way for a verifier to carry out reasonable inquiry, in the absence of mandatory notifications. Some building professionals suggest that photographic evidence

should be acceptable, at the verifiers discretion. There are concerns around who would bear the cost of disruptive surveys.

Short notice inspections, rather than unannounced inspections, would be preferred by a few Local Authority respondents who agreed with the proposal, with some explaining that, with some notice, they could have the right people on site and make more effective use of the verifier's time. This view was shared by a contractor who disagreed with the proposal. Some Local Authority respondents expressed the opinion that disruptive inspections are straying into the enforcement role. Several Local Authorities went onto state that they already undertake unannounced site inspections, and that these are a significant deterrent against poor or non-compliant construction practices.

There was a feeling among respondents across the online and face-to-face consultations that the threat of unannounced inspections and disruptive surveys would go some way to ensuring compliance.

The six comments received from respondents who disagreed with the proposal include: the perception that unannounced inspections and disruptive surveys are already used by verifiers; and concerns about 'who verifies the verifiers'.

Respondents who are unsure about the proposal have concerns including: the potential to cause conflict, and the implications for resources.

"In relation to unannounced progress inspections, these could be ineffective if parties needed at the inspection are not on site. Therefore, in practice this may result in "short notice" inspections to overcome this issue."

Local Authority

"Irrespective of the success of the other proposals, the expectation of unannounced Local Authority building standards involvement will encourage focus of owners and developers and maintain momentum in continuing compliance"

Member of the public

"We have no objections to random audits and inspections for high profile and high risk sites. We believe this will only serve to raise standards and provide confidence in construction delivery. For low rise housing and apartment development any inspection should reflect the scale and type of development."

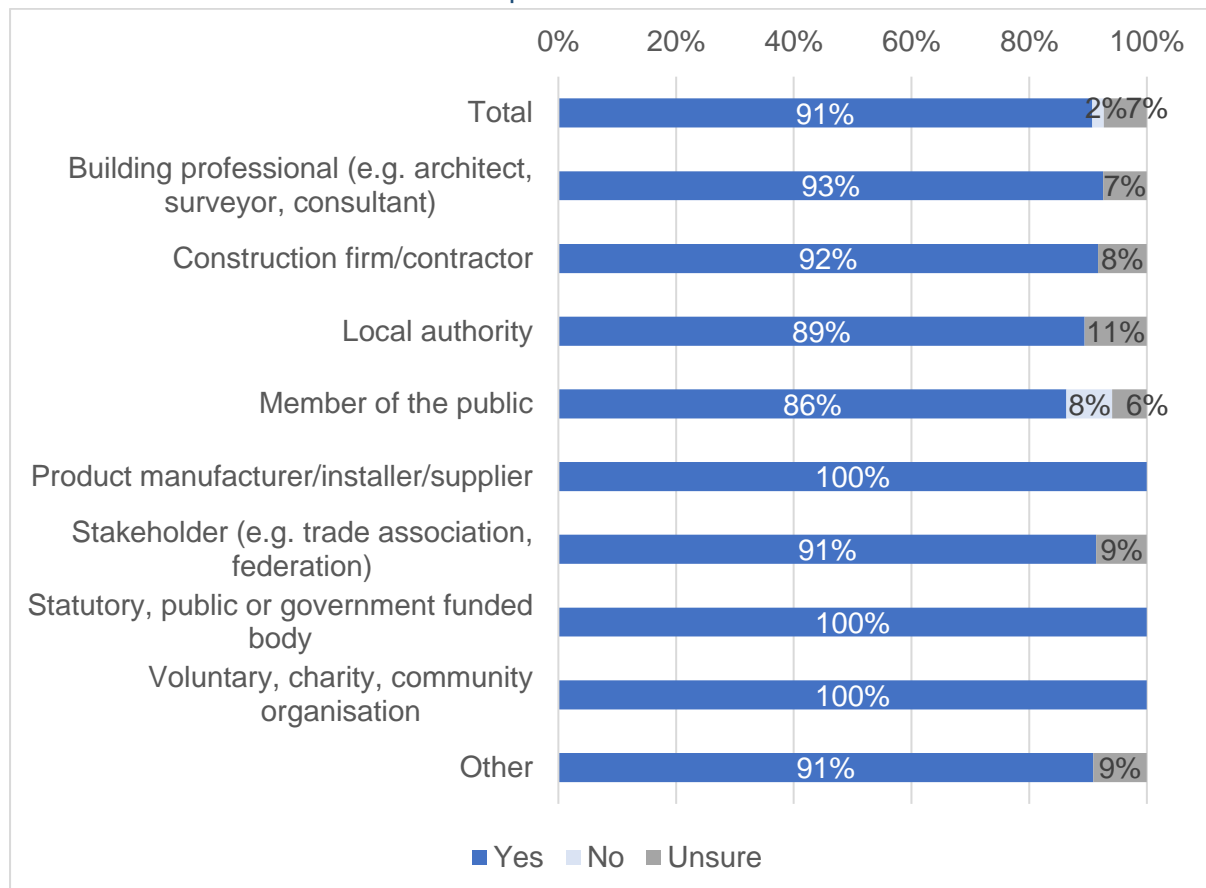
Stakeholder

Consultation question 1.14 asked:

“Do you agree that verifiers should record safety critical building standards non-compliances and feedback at a national level to drive improvements?”

Of the 222 respondents, 205 (92%) responded to this question, as set out below:

Figure 20: Verifiers should record safety critical building standards non-compliances and feedback at a national level to drive improvements



An overwhelming number of respondents (91%) agree that verifiers should record safety critical building standards non-compliances and feedback at a national level to drive improvements. The majority of those who do not agree are ‘unsure’.

Respondents in favour of the proposals state benefits including: the identification of trends and shortcomings; standardisation; raising standards, driving continuous improvement and the potential to use feedback for training purposes.

There is widespread support for ensuring feedback is in the public domain and non-attributable with suggestion of using similar mechanisms to the Standing Committee on Structural Safety (SCOSS) and Confidential Reporting on Structural Safety

(CROSS). A few respondents suggest this could be extended to highlight energy efficiency and CO₂ emissions issues. One stakeholder would like the feedback to be accompanied with some analysis of why non-compliances occur.

Some respondents would like to see a definition of 'safety critical'.

Local Authorities report that they already collect this information, but making it available in a suitable format would have resource implications. There was a feeling that any reporting system should not be overly complicated.

Two comments were received from respondents disagreeing with the proposal; these were members of the public: one was concerned about the resource implication for verifiers, the other thought that the current system shouldn't be changed.

The eight respondents unsure about the proposal, and who gave comments, had concerns including, impartiality and resources. One respondent would like to see more detail about confidentiality and how this would operate in practice.

"A national database of non-compliance issues and feedback would be beneficial to raise standards and focus effort around individual and collective sector continuous improvement, providing confidence and raising standards."

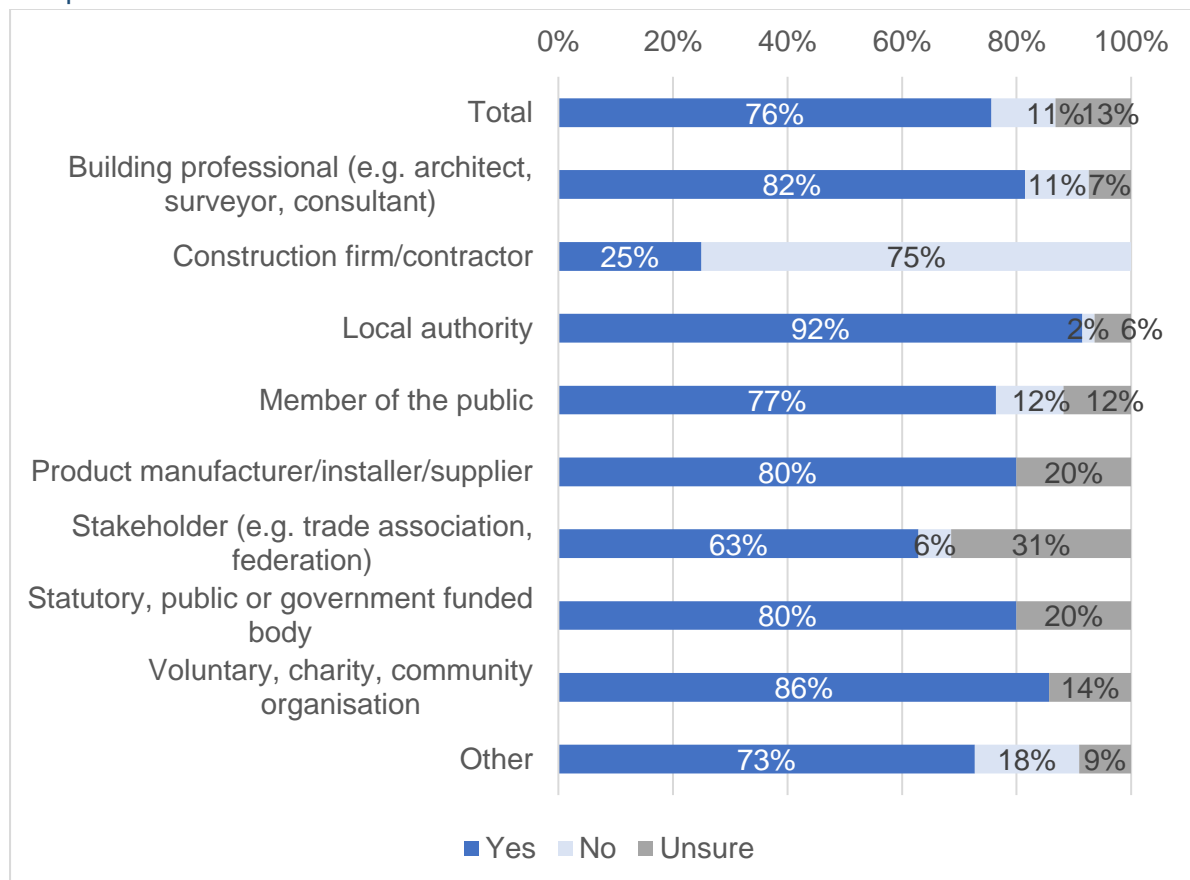
Construction Firm/Contractor

Consultation question 1.15 asked:

“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?”

Of the 222 respondents, 205 (92%) responded to this question, as set out below:

Figure 21: 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



Three quarters of consultation respondents 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. Respondents are mixed across the different groups. Local Authorities and ‘Voluntary, charity or community organisations’ are most likely to agree; ‘Construction firms/contractors’ are least likely to agree (only 25%).

Many of those who agree with the proposal commented that this is what already tends to happen at the moment. A large minority, while supportive in principle,

commented that the phrase 'minor changes' needs to be unambiguously defined. Some respondents went further, commenting that 'minor changes' could lead to major implications with far-reaching consequences, a trend in warrant amendment discussions in this consultation, including safety critical consequences.

A similar sized group noted that such a system is potentially open to abuse, which could be discouraged through robust compliance monitoring and enforcement powers. A small group of respondents noted that any process implemented should work efficiently to avoid unnecessary delays.

Respondents opposed to notifying verifiers of minor changes, which include most construction firms/contractors, believe that a minor change was simply that, and that notifying verifiers was an additional bureaucratic burden. A smaller group believe introducing this process to be against the principles and pre-emptive nature of the Scottish system, whereby approvals are in place prior to proceeding.

Of those respondents who are unsure, most are unclear on what 'minor changes' might constitute and required a clearer definition. A small group believe that notifying verifiers of minor changes would add more bureaucracy and cause delays, while one respondent was concerned that this system might be abused by developers being legally allowed to build without a warrant.

“Even a small change or alteration or a product change can have a serious effect on the overall performance of a building.”

Product manufacturer/installer/supplier

“This reflects current practice and must only relate to ‘minor changes’ (a term which needs to be defined).”

Local Authority

“The verifier should be able to just note the minor changes on the file without the need for a formal amendment.”

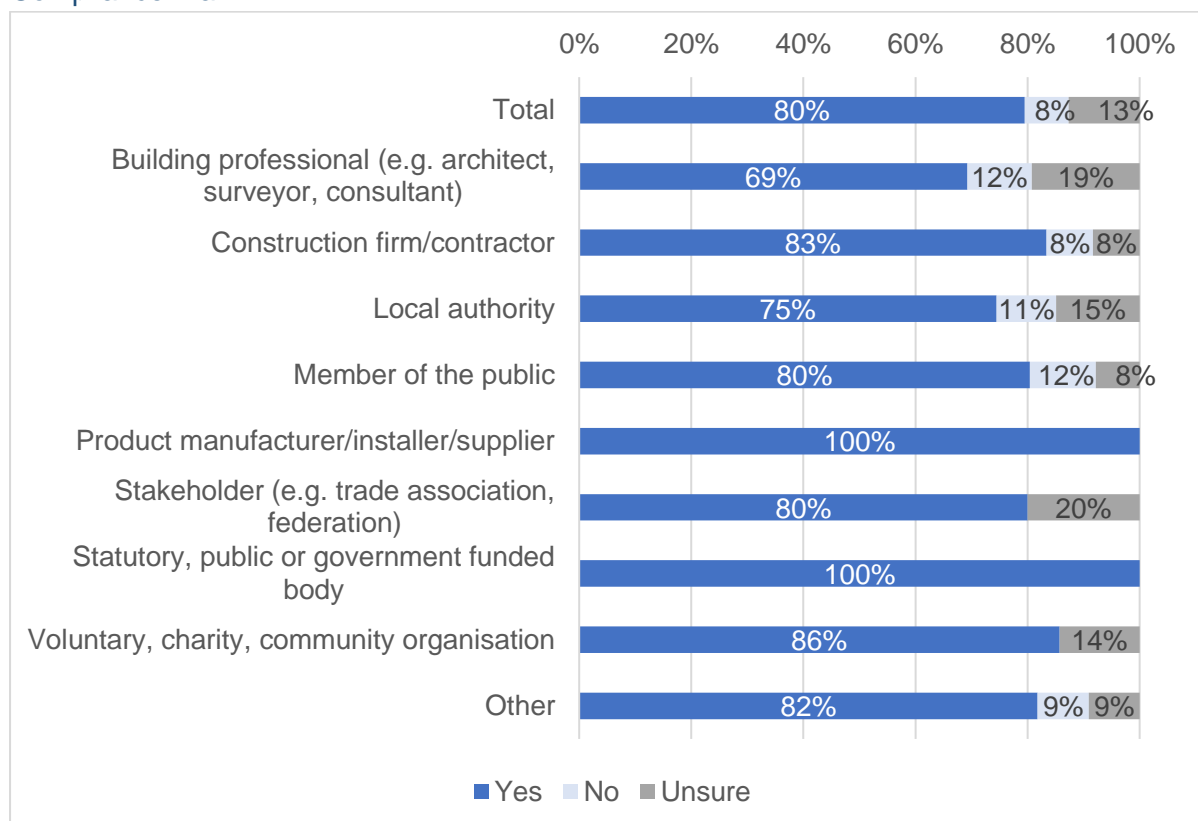
Construction firm/contractor

Consultation question 1.16 asked:

“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?”

Of the 222 respondents, 205 (92%) responded to this question, as set out below:

Figure 22: 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



Four fifths of respondents 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. ‘Product manufacturers/ installers/suppliers’ are most likely to agree; ‘Building professionals’ and Local Authorities are least likely to agree.

A majority of respondents in favour of the proposal support the concept of a completion certificate having sub-sets of safety aspects, accompanied by as-built drawings and completed Compliance Plan, believing this would clearly reflect responsibilities, record a log of all changes which have been made, and thus allow management of the building in the future.

A minority of respondents noted that increased resourcing would be required to effectively administer this. Another small group, while agreeing in principle, felt that 'high risk' buildings should be properly defined, and a list of the safety critical aspects needed to be clearly outlined. A small number of the respondents who were in favour overall, disagreed with as-built drawings being included, noting this to be covered in any amendment to warrant.

Those respondents opposed to this proposal overall were in favour of individual elements. Some supported the idea of a completion certificate containing sub-sets of safety critical aspects but were opposed to including as-built drawings as they suggest these are already covered in any amendment to warrant. A small group believed this would duplicate the certificate of completion, while one respondent thought the proposal is too complicated.

Most respondents who are 'unsure' again partly agreed overall with elements of the proposal but disagree on including as-built drawings. Other respondents raised issues around workload and resourcing, while others commented that the final output should complement CDM.

"This is important to maintain a clear picture of what has been built, any changes that were made to the original design, and who has been responsible for each part of the design, construction and inspection."

Stakeholder

"Yes, for the sub-sets and the completed compliance plan. It is unclear however why as-built drawings should be included. Surely any deviations from approval would be covered under an amendment to warrant submission?"

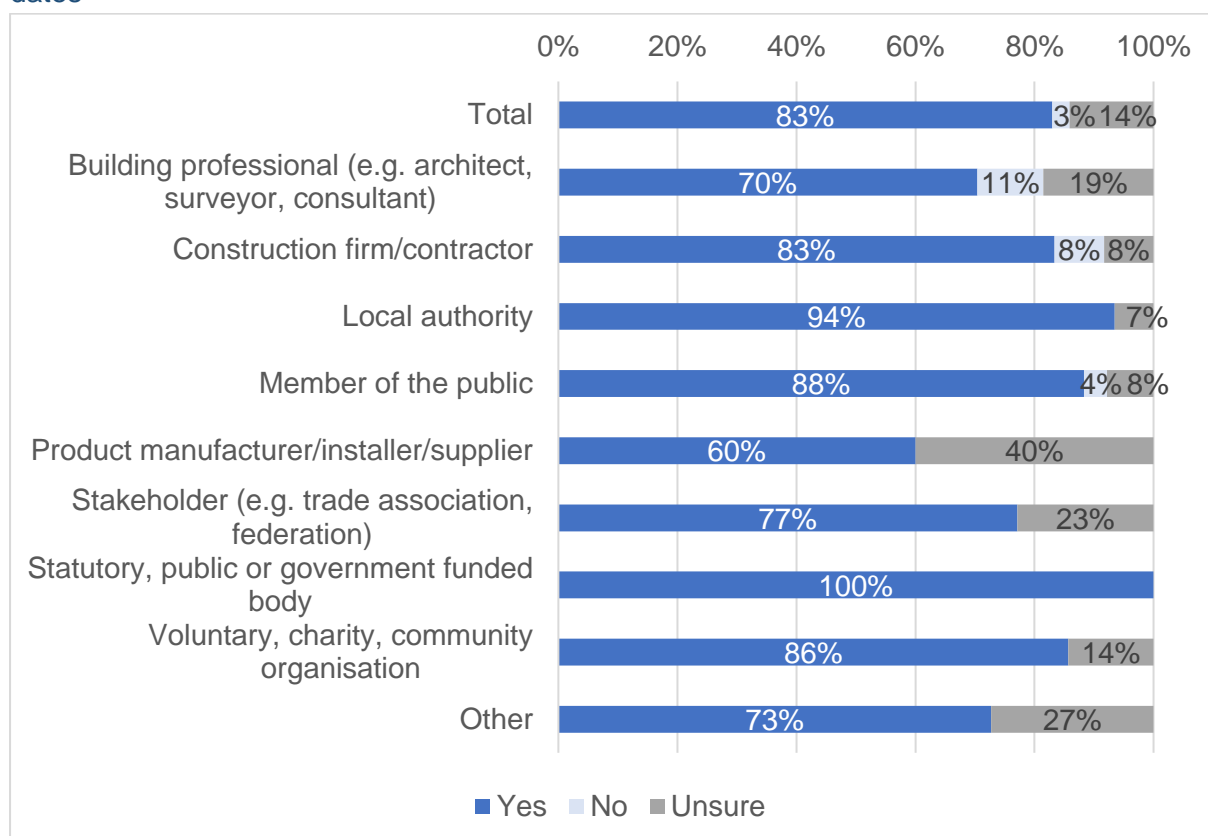
Local Authority

Consultation question 1.17 asked:

“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?”

Of the 222 respondents, 205 (92%) responded to this question, as set out below:

Figure 23: 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



Just over four fifths of respondents agree (mostly ‘Statutory, public and government funded bodies’ and Local Authorities) that 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. Almost 15% of respondents disagreed (mostly ‘Product manufacturers/installers/suppliers’).

The strengthening of procedures for the temporary occupation or use of a building was supported by most respondents, believing it would provide greater consistency across Scotland. Several respondents noted that enforcement would be challenging and powers in this area would need strengthening. Others noted that guidelines should be developed which clarify the legal responsibilities: in supporting this

strengthening of procedures they felt that it put greater onus onto developers, with some believing that penalties could be introduced in cases of non-compliance. A minority also commented that temporary occupation certificates should be used sparingly and only where entirely appropriate.

The small number of respondents (3%) disagreeing with the proposal suggest the current system works fine, or that a temporary certificate to use specific parts of a building is a more realistic approach than a declaration of compliance.

Respondents who are unsure (mostly 'Stakeholders' and 'Voluntary, charity or community organisations') feel that care would be needed to avoid causing unnecessary delay, or that a change in the judicial system might be required were penalties introduced for non-approved occupation. Most building professionals are either against the proposal, or they are unsure.

"A building is at its most vulnerable where temporary occupations exist, any control measure in place can only be a good thing."

Statutory, Public or Government Funded Body

"This is a weakness in the current system as the legal responsibilities are unclear. The owner/ developer should be required to submit compliance evidence for all the completed work to date as per the compliance plan when applying for a temporary use certificate."

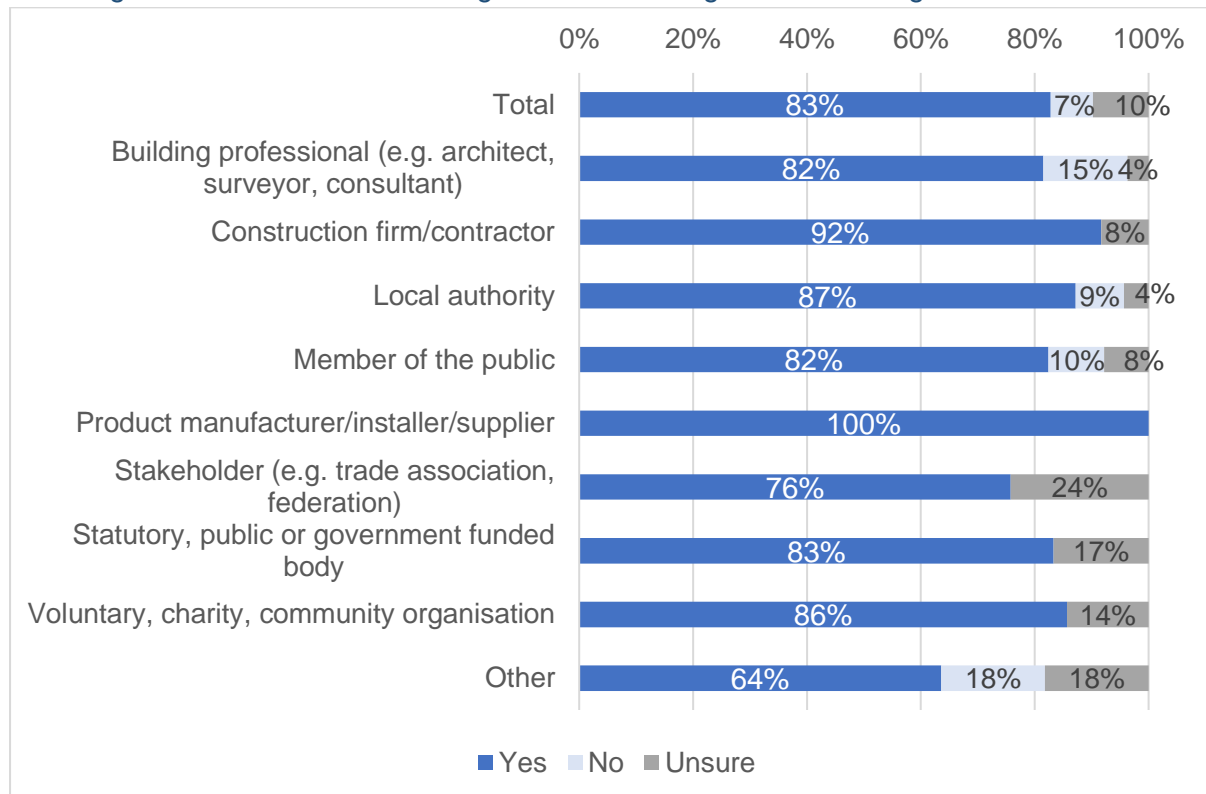
Local Authority

Consultation question 1.18 asked:

“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?”

Of the 222 respondents, 204 (92%) responded to this question, as set out below:

Figure 24: Restrictions to the occupation or use of existing buildings should be considered when significant alterations are being carried out to higher risk buildings



Four fifths of respondents 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. A slightly higher proportion (10%) are unsure than are against the proposal (7%).

The majority in favour of the proposal commented that a pragmatic and practical approach should be taken in such instances, with restrictions being decided on a case by case basis, so long as risk is suitably assessed and managed. A large minority of respondents commented in particular that restrictions should be applied if alterations affect fire safety. A slightly smaller group noted that legal support may be required from the Procurator Fiscal Service to take enforcement action for non-compliance. A small group felt that the phrases ‘high risk’ and ‘significant alterations’

required defining robustly, while another small group believed that such action is already covered under fire safety legislation.

Those respondents opposing restrictions to the occupation or use of a building undergoing significant alteration believe this action to already be covered in existing CDM and Health and Safety regulations. One respondent felt restrictions would limit innovation and creativity in re-purposing buildings.

Respondents who are uncertain feel that restrictions could only be defined on a case by case basis, dependent on the nature of the building and alterations being undertaken. Some noted that safety should always be the top priority, but equally that such guidance might already exist elsewhere in current legislation.

“This is worthy and would provide improved stakeholder confidence. However, some pragmatism is needed to ensure this is managed within reason, to ensure occupiers/users of existing buildings are not disadvantaged.”

Construction Firm/Contractor

“Due to the risk to life safety, restrictions to the occupation or use should be considered. While this is understood and should be implemented, without legal support from the Procurator Fiscal Service to take enforcement action for non-compliance, this proposal is fraught with difficulty in terms of enforcement.”

Local Authority

“We are less convinced that this should be part of the Building Warrant approval process. Surely such issues can still be properly addressed under other existing legislation (CDM) and by other Regulatory bodies (HSE). To introduce verifiers into the mix would potentially lead to confusion and/or conflicts.”

Stakeholder

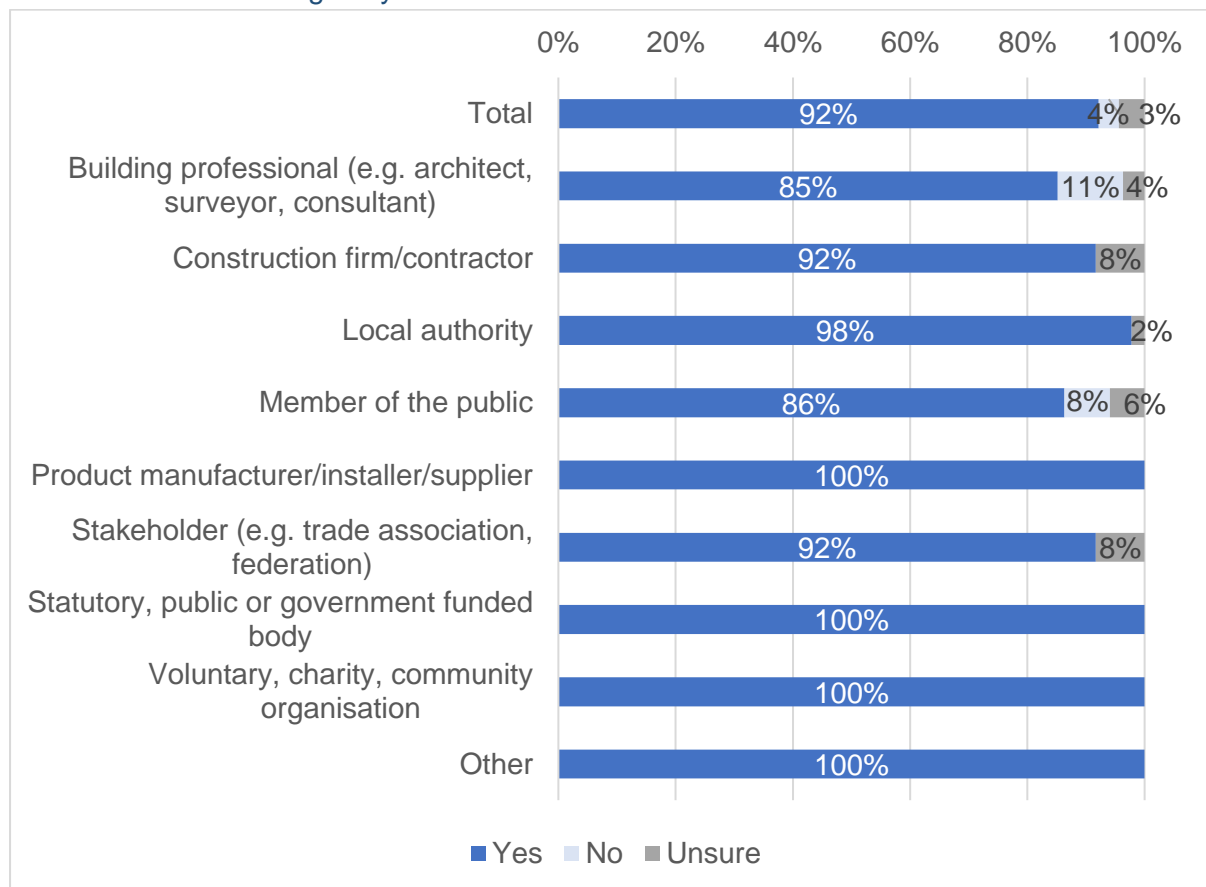
3.5 Enforcement

Consultation question 1.19 asked:

“Do you agree that local authorities should be more pro-active in enforcing building regulations and monitor construction regularly?”

Of the 222 respondents, 203 (91%) responded to this question, as set out below:

Figure 25: Local Authorities should be more proactive in enforcing building regulations and monitor construction regularly



The vast majority (92%) of respondents agree that Local Authorities should be more pro-active in enforcing building regulations and monitoring construction regularly. Where there is disagreement, this is mostly amongst ‘Building professionals’ and ‘Members of the public’. Most of those in favour raised the issue that such processes would require significant resourcing to be meaningful. These views also received high consensus in face-to-face consultation events.

A sizeable minority of respondents in support of more proactive enforcement commented that legislation change would be required to provide LAs with stronger enforcement powers. A smaller group noted that the enforcers themselves need to

be both impartial and suitably qualified to fulfil their role. A similar sized group commented on the potential blurring of boundaries between verifiers' and LAs' roles which should be clarified to reflect enforcement processes. A small number of respondents believe there should be a specific focus on high risk buildings.

One respondent disagreeing with more proactive enforcement believed it to be too complicated to be worthwhile.

Those respondents who are unsure commented that adequate funding and staffing would be required for proactive monitoring. One respondent felt that a national enforcement agency might be better placed than LAs to carry this out. This could fit with the face-to-face consultation discussion on reshaping the building standards system around the concept of a central hub for verification, information and intelligence at the national level.

“Approving authorities should be appropriately resourced so as not to delay the approvals/construction process.”

Building Professional

“A more pro-active approach would be welcomed; however, such an approach must be backed up with resource and robust enforcement powers.”

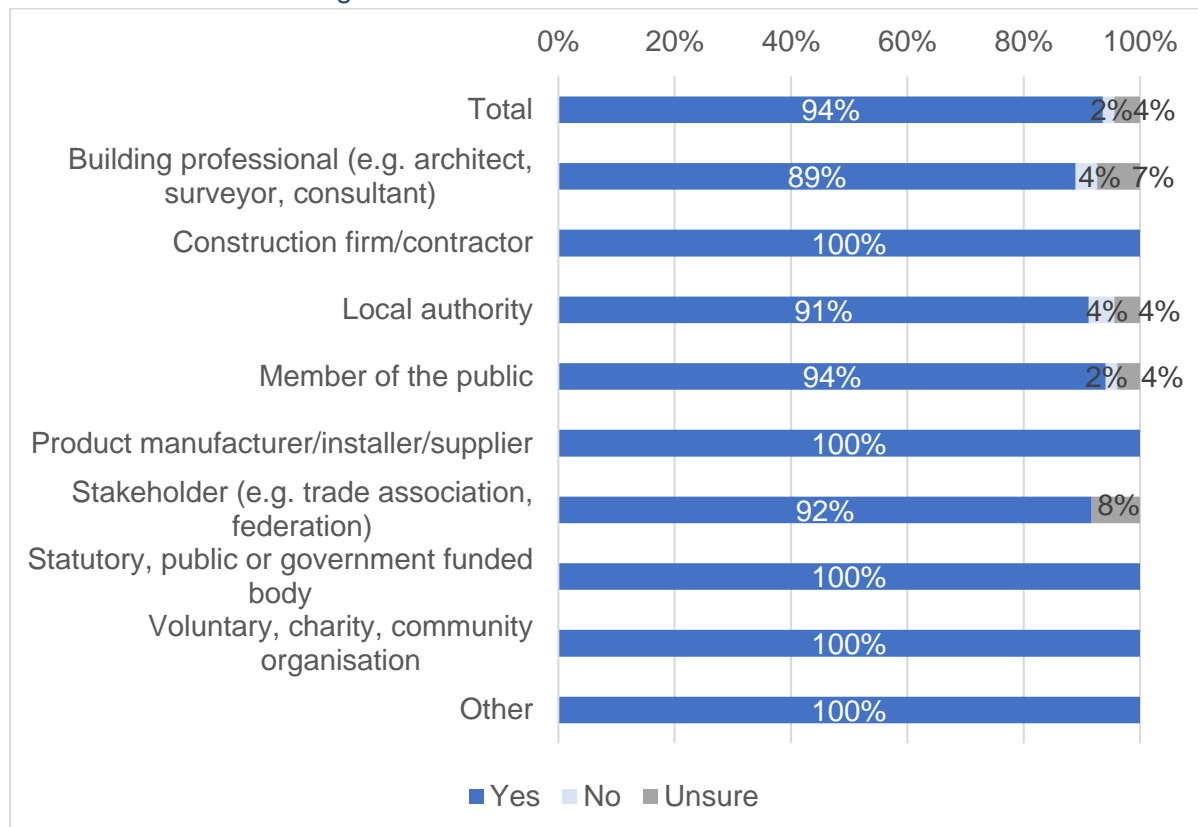
Local Authority

Consultation question 1.20 asked:

“Do you agree that local authorities should have a building standards enforcement policy in place that is based on national guidance?”

Of the 222 respondents, 205 (92%) responded to this question, as set out below:

Figure 26: Local Authorities should have a building standards enforcement policy in place that is based on national guidance



Again, the vast majority (94%) of respondents agree with the proposal that LAs should have a building standards enforcement policy in place that is based on national guidance. Of this group, the majority feel that such a document is already commonplace, but that a policy based on national guidance would strengthen existing arrangements and offer greater consistency nationwide. A small group believe that such a document could be developed in collaboration with Local Authority Building Standards Scotland (LABSS), and a slightly larger group, though supportive in principle, felt it could only be meaningful were LAs adequately resourced. Several respondents noted that such a policy would need to be properly enforced, commenting that the Procurator Fiscal Service would have to support it too.

A couple of suggestions were put forward in the survey for how such a system might work/the considerations that would need to be covered:

- A list of documents should be provided to ensure the fire safety is necessary, with similar procedures of enforcement;
- Possibly some collaboration between LABSS/BSD and an independent verification hub for fire safety engineers to provide comments.

In the consultation events, participants made various points in support of this proposal; for example, that it would require competent people with expertise, and that it should be an independent system, but it must be a simple process. One individual suggested the system in the electrical industry works well (which could be emulated) or a detailed guide, plus a shorter one for on-site, plus a procedural handbook.

Two survey respondents who are against the proposal provided further comments: they suggest it is unnecessary, either because such a guide already exists, or because enforcement should be properly staffed and resourced instead.

Those who were unsure about introducing a policy based on national guidance commented that LAs should still be allowed the flexibility to manage their own processes, or they were unsure how a document could assist individual cases. One respondent leaned instead towards this sitting within central government.

“Every verifier should enforce the same way. There should be no difference in the service level that you receive from one verifier to the other. This is something that does not happen at present.”

Construction Firm/Contractor

“Having national guidance would be beneficial to ensure some level of consistency of approach across the country. The question of how enforcement of Building Standards is financed and resourced also needs to be addressed.”

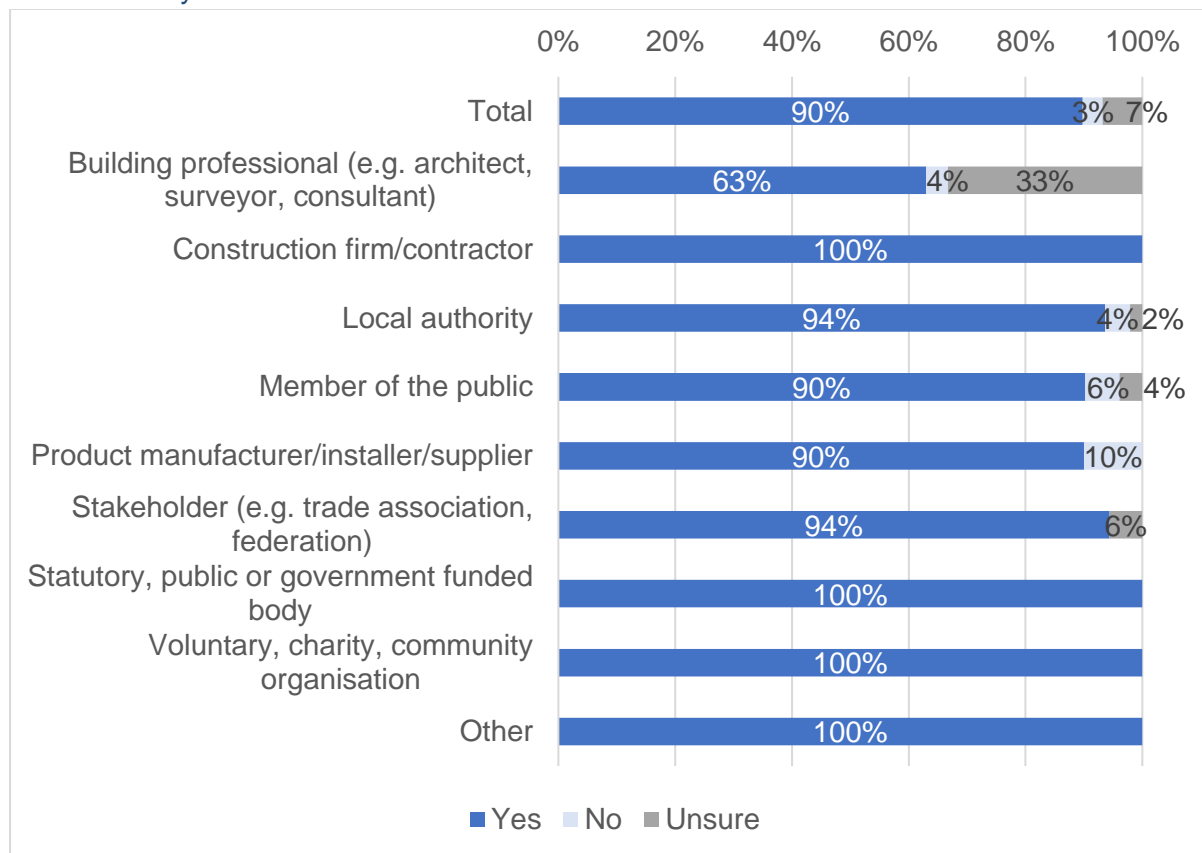
Local Authority

Consultation question 1.21 asked:

“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?”

Of the 222 respondents, 207 (93%) responded to this question, as set out below:

Figure 27: 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



Almost nine tenths of respondents 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.

Of these respondents, 72 gave supporting comments. Most of these respondents believed the proposal would promote greater consistency in enforcement and in standards across Scotland.

A small group of respondents commented that such guidance could be developed in collaboration with LABSS, and should allow some degree of flexibility for LAs. Comments were also raised around the issue of resourcing, with a small group feeling that the level of resources needs to be clearly defined in any guidance; another small group noted that sufficient resource must continue to be provided to LAs.

Those against this proposal (predominantly 'Building professionals') believe that such guidance is already in place and that enforcement is simply under-resourced. One respondent noted that the application of legislation remains the legal remit of LAs, who cannot be advised to take statutory action.

Some respondents who are unsure feel, again, that resourcing would be the main sticking point. Others believe that LAs should be allowed the freedom to manage their own processes and priorities.

“National guidance must prevail across all 32 Local Authorities, ensuring consistency. This must clearly state what enforcement actions can be taken, and what level of resources & skills LAs must have to be able to deliver and manage enforcement notices.”

Stakeholder

“National guidance is welcomed and should be developed in partnership with LABSS.”

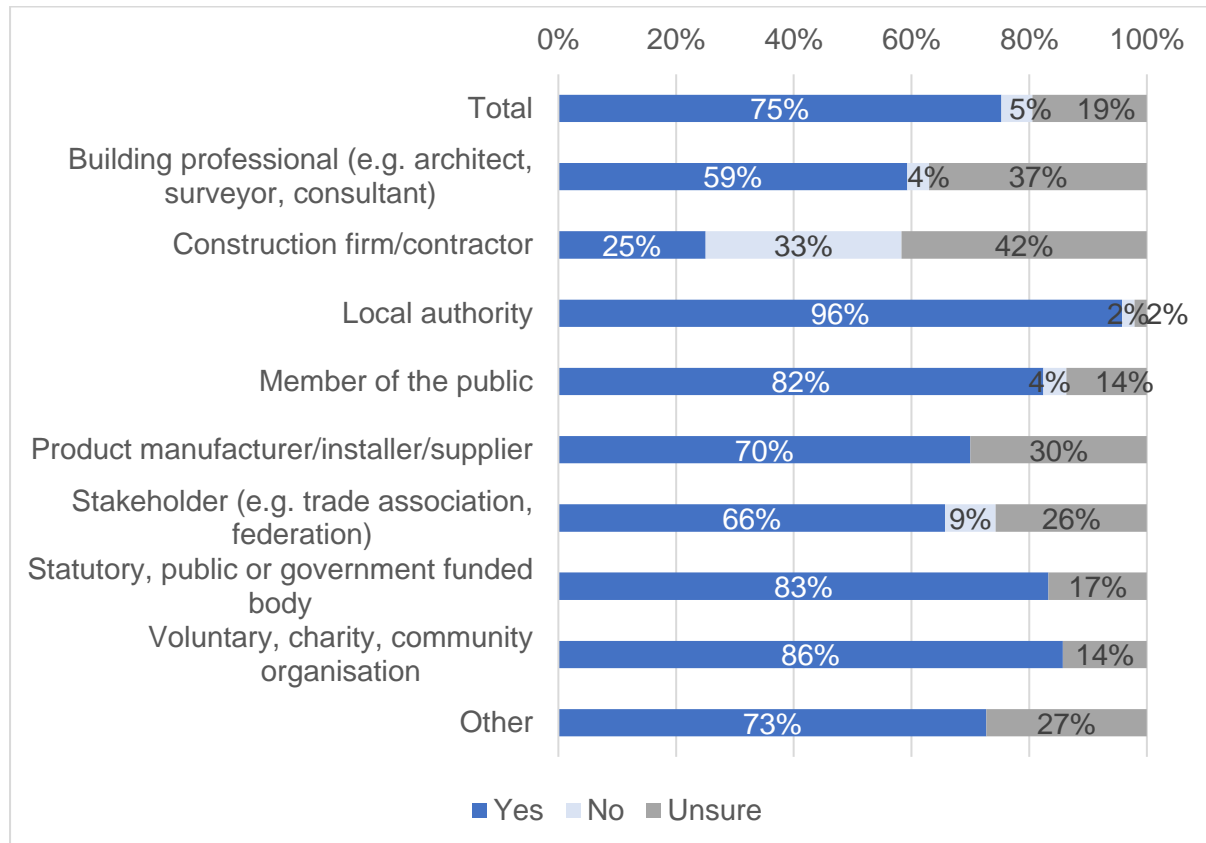
Member of the public

Consultation question 1.22 asked:

“Do you agree the penalties and levels of fines associated with serious failures in compliance should be increased?”

Of the 222 respondents, 206 (93%) responded to this question, as set out below:

Figure 28: Penalties and levels of fines associated with serious failures in compliance should be increased



Three quarters of respondents agree that penalties and levels of fines associated with serious failures in compliance should be increased; almost a fifth are unsure (mainly ‘Construction firms/contractors’). Of these respondents most suggest these are currently too low to act as a real deterrent to companies to prevent non-compliance.

A small minority of those in support of an increase feel that stop penalties might be more effective than higher fines, and others note that jail sentences for those responsible may also be more effective. One small group noted that any penalty should be straightforward to administer and proportionate to the offence, while another small group commented that funds raised should be put back into the system so that such fines are not perceived as a money-spinner.

Those against increasing the level of fines for non-compliance, which includes most construction firms/contractors, felt that enforcement in itself is punitive enough with the impact this has on consumer confidence and the image of construction. One respondent disagreed with heavier fines, believing a cultural shift to an educated, risk-conscious workforce would be a better approach.

The fifth of respondents unsure whether fines should be increased gave a variety of reasons. Some could not comment on the issue as they were unaware of the current level of fines, others felt that stop penalties might be a more effective method to boost compliance, and other respondents felt this to be a moot point unless strict enforcement is introduced. A minority believe fines could work both ways, with LAs refunding customers experiencing poor service.

Face-to-face consultation events attracted much discussion on this issue, suggesting that a lack of power and resource held by LAs did little to deter contractors. It was discussed that the appetite for prosecution was almost non-existent due to the potential for it being costlier than doing nothing. Similar to the online consultation, there are some views that halting work over monetary sanctions is more effective. Others suggest a proportionality matrix based on the project type and risk, against the financial position of the company to ensure meaningful enforcement.

“We consider that the penalties and fines need to be at a much higher level to act as a deterrent and incentivise compliance. They should, however, remain proportional to the nature and severity of any offence.”

Stakeholder

“The system must be robust, streamlined and carry significant penalties to act as a deterrent.”

Local Authority

“It is not the fine that deters non-compliance but the impact an enforcement notice will have on its brand and consumer confidence.”

Stakeholder

4. Building Standards (Fire Safety)

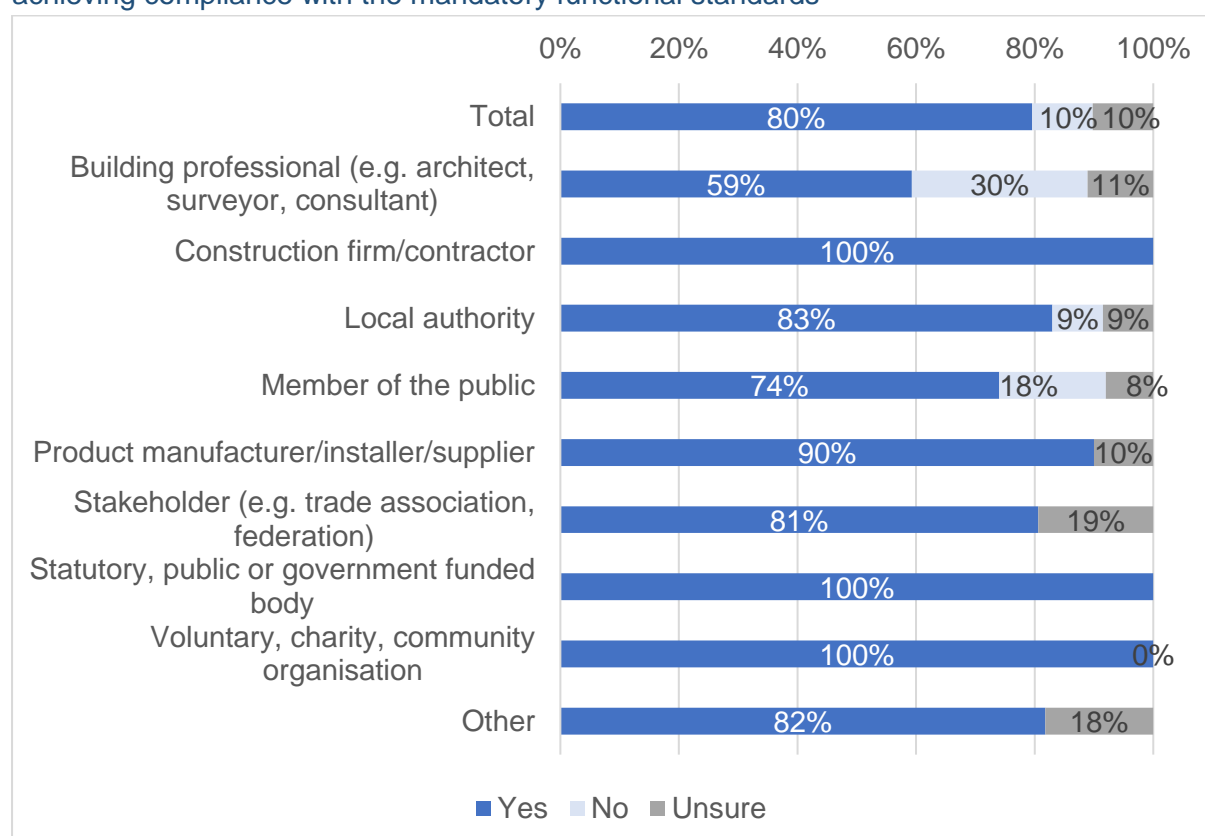
4.1 Structure of buildings and supporting guidance

Consultation question 2.1 asked:

“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?”

Of the 222 respondents, 206 (93%) responded to this question, as set out below:

Figure 29: Guidance should be developed to make clear that there is more than one way of achieving compliance with the mandatory functional standards



Four fifths of respondents agree that guidance should be developed to make clear that there is more than one way of achieving compliance with the mandatory functional standards. The remaining fifth are split equally between ‘no’ and ‘unsure’ – including a third of ‘Building professionals’.

The majority of those who agree confirmed (mainly ‘Construction firms/contractors’) that such an approach would provide further consistency, clarity and flexibility. In

addition, this would support innovation. A Scottish version of the C/VM2 (New Zealand) guidance¹ was suggested by some respondents (five Local Authorities, and one stakeholder). These respondents suggested that *“in order to achieve a level of consistency and robustness, a Scottish version of the C/VM2 guidance to support the middle pathway would be welcomed”*.

Nevertheless, several respondents highlighted that alternative ways of compliance should be certified by qualified and trained fire engineers and regularly reviewed. Similarly, further training should be provided to surveyors and clear examples included in the guidance and Technical Handbook.

Most respondents who disagree with the proposal are concerned about the potential of loopholes and/or evasion of standards as well as the danger of creating confusion and too cumbersome a system for the industry. Furthermore, many respondents pointed out that, in their view, the present Technical Handbooks already provides sufficient clarity on how to achieve compliance.

Those who are ‘unsure’ about the proposal are split between those who are uncertain on how such an approach could be achieved in practice and how the approach could provide added value to the already clear Technical Handbooks in present use.

“These proposals are generally welcomed and would strengthen the current Building Standards system.”

Local Authority

“This is already clear within the Technical Handbook.”

Building Professional

“We are of the opinion that the current Technical Handbooks provide sufficient clarity on how to achieve compliance and clearly indicate that there is more than one way to meet the functional standard. However, if the intention is to split the Technical Handbooks into a set of functional documents and prescriptive documents this may assist in making it clearer to all users of the system that there is more than one way to comply with the regulations.”

Local Authority

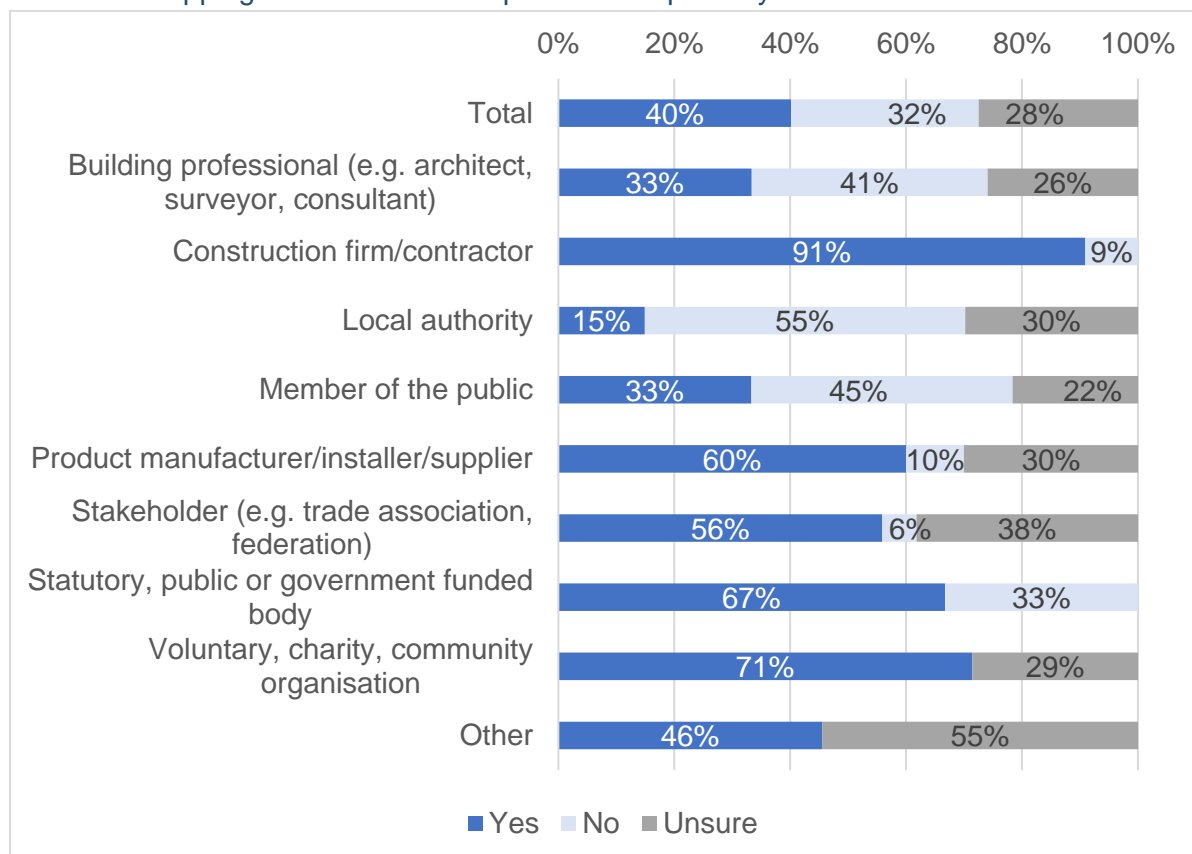
¹ C/VM2 is the ‘Verification Method: Framework for Fire Safety Design for New Zealand Building Code Clauses C1-C6 Protection from Fire. The document provides a method for the specific design of buildings to demonstrate compliance with NZBC C1 to C6 and is *“suitable for use by professional fire engineers who are proficient in the use of fire engineering modelling methods”*.

Consultation question 2.2 asked:

“Do you agree that the annexes in the Technical Handbooks for residential care buildings, hospitals and enclosed shopping centres should be published separately?”

Of the 222 respondents, 204 (92%) responded to this question, as set out below:

Figure 30: Annexes in the Technical Handbooks for residential care buildings, hospitals and enclosed shopping centres should be published separately



The question of whether annexes in the Technical Handbook for care buildings, hospitals and enclosed shopping centres should be published separately provoked perhaps the greatest split amongst respondents. This was reflected in face-to-face consultation where it was based on individual preference and what parts were relevant to the user. Two fifths are in favour of the proposal, whereas just under a third are against it, with the remainder being unsure.

Of those who are in favour of the proposal, most agree that such an approach would reduce ambiguity and provide more clarity and consistency with regard to the specific nature of these building types. In addition, regular updates of the guidance and tailoring it to current practical requirements were considered as a priority. Two

respondents also advocated a close alignment with Section 2 of the Fire (Scotland) Act 2005.

The majority of those against the proposal consider the present arrangement as an adequate one stop source and fit for purpose. There was a widespread concern that separate publications would be too cumbersome for users and could create confusion.

In general, those who are 'unsure' confirm that the present system works well and separate documents may become too cumbersome. In the case of separate publication, several respondents stated that the full requirements of Section 2 of the Fire (Scotland) Act 2005 would need to be included.

“Having separate documents is a good idea. It would cement the specialised nature and risk of these buildings and would allow for more regular updating than if guidance was contained in the handbooks. To work well the guides should cover all sections of the handbooks; using Section 2 Fire would, however, be a good step in this direction.”

Local Authority

“The current arrangement of annexes within the Technical Handbooks giving specific additional guidance for various higher risk building types is considered sufficient. The provision of entirely separate Technical Handbooks providing specific guidance on compliance for such building types does not appear necessary and could be confusing.”

Local Authority

“The current system appears to work well enough although surveyors indicate that, where the annexes relating to Section 2 (Fire) were intended to be published separately, they should be developed to include all Section 2 guidance for each distinct building type.”

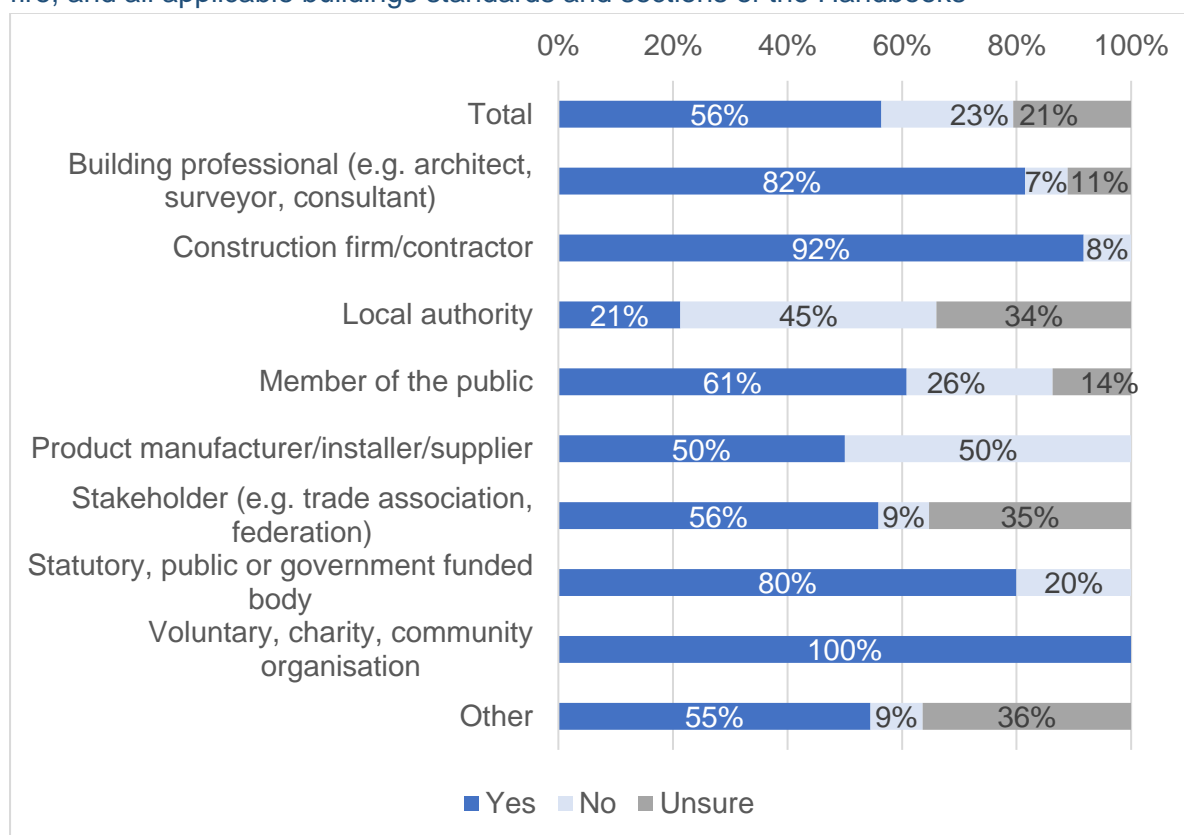
Local Authority

Consultation question 2.3 asked:

“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?”

Of the 222 respondents, 204 (92%) responded to this question, as set out below:

Figure 31: 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 buildings standards and sections of the Handbooks



Just over half of respondents are in favour of there being an additional Technical Handbook for simple domestic detached and semi-detached dwellings (up to 3 storeys) being introduced as a means of compliance with fire, and all applicable buildings standards and sections of the Handbook. Those who agree (mainly ‘Voluntary, charity and community organisations’ and ‘Construction firms/contractors’) welcome the proposal, as most construction projects fall within that category. In addition, this would provide further clarity for homeowners and small developers. In this context, some respondents raised questions as to how this would apply to terraced houses and rows of dwellings.

In general, those who disagree (mainly Local Authorities') view the proposal as redundant and the resultant Handbook and Annexes being cumbersome, as this is already included in the Domestic Technical Handbook. One respondent suggested the reintroduction of Housing Standards and the Scottish Housing Handbook.

Those who are unsure also shared the view that this is covered in the Domestic Technical Handbook. Nevertheless, some felt that more specific guidelines could be useful. There was uncertainty regarding how "simple" would be defined. Again, the need to include Section 2 of the Fire (Scotland) Act 2005 was mentioned.

"A simplified Technical Handbook to cover small scale works, which form the majority of warrant applications, would be useful."

Building Professional

"The guidance already exists within the Domestic Technical Handbook. Having two separate domestic handbooks would be counter-productive. When going through the one book it is always a refresher on the requirements for other domestic buildings. To separate simple domestic dwellings could lead to a dilution in knowledge of the guidance relative to other domestic dwellings."

Local Authority

"Again, the current system appears to work well enough although a separate Technical Handbook for simple domestic detached and semi-detached dwellings (up to 3 storeys) may be welcomed by designers who deal only with this type of development."

Local Authority

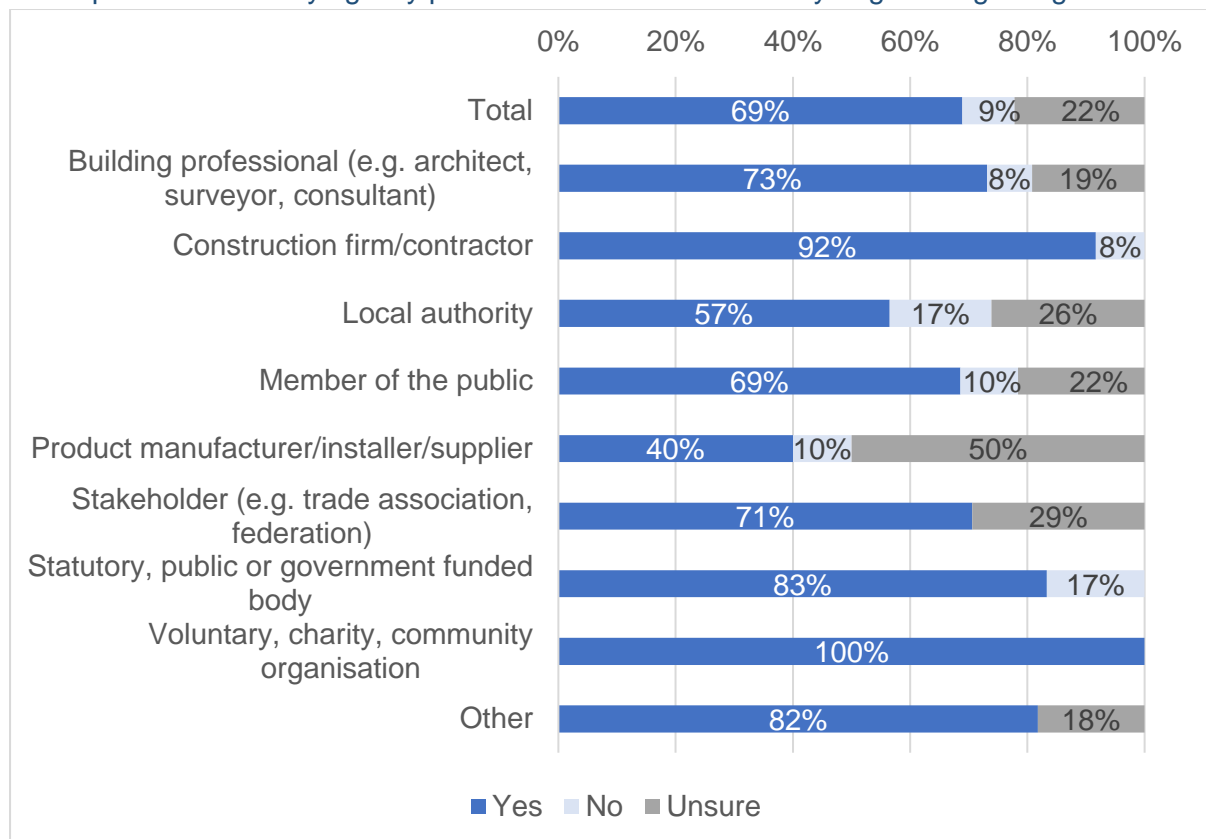
4.2 Verification of fire safety engineering

Consultation question 2.4 asked:

“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’?”

Of the 222 respondents, 203 (91%) responded to this question, as set out below:

Figure 32: A national "hub" approach should be developed to share expertise and skills and be responsible for verifying fully performance based "fire safety engineering designs"



The majority of consultees (69%) agree that there should be a national ‘hub’ developed to share expertise and skills and be responsible for verifying fully performance based “fire safety engineering designs”. Just under a tenth disagree (mainly Local Authorities), and two tenths are unsure (mainly ‘Product manufacturers/installers/suppliers’).

The majority of respondents who agree with the proposal see harmonisation of verification, a focus on best practices, and remedy to insufficient local expertise and resources as the main benefits of a national hub. Several answers pointed out that sufficient resources, expertise and personnel would need to be available for such a

national hub. Several respondents called for further clarification as to how “fully performance-based fire safety engineering designs” would be defined and how the hub would be financed.

The general view of those who are not in favour of the proposal is that a national pooling approach would concentrate resources and expertise in urban areas to the detriment of rural and island regions. This could undermine Local Authorities and lead to the loss of specific local knowledge. This view was also a common concern voiced at the face-to-face consultation events. Insufficient information (funding, mandate, scope) was also highlighted as a main concern. A library of precedent including drawings, images and details and the use of electronic data in combination with general upskilling were suggested as alternatives.

Those who are unsure are largely uncertain about the terms of reference and funding of a national hub. Respondents are divided on the potential cost and benefit of a decentralised system with Local Authorities having in-house expertise or hiring external consultants or having a centralised one-size-fits-all approach. The request for a clearer definition of fire safety design was repeated.

Face-to-face consultation events suggested that this should also be created as an intelligence hub for all verifiers to ensure that they are better informed of previous issues and do not create new risks compromising previously verified work.

“I can see the benefit of having a central group with a higher degree of knowledge and specialism could be of benefit for complex buildings. However, the funding of this needs to be fair to all regions. For example, the remote regions may have little need for a fire engineering hub whereas the bigger city centres will have more need. The cost burden needs to be borne by those with the highest demand.”

Product Manufacturer/Installer/Supplier

“Local Authorities are best placed to share best practice or resources whilst also working with our colleagues in the Scottish Fire and Rescue Service as statutory consultees. There are too many questions and doubts on the make-up of a hub and the ability of it to be seen to be entirely neutral when it is not made up of purely statutory bodies.”

Local Authority

“This would allow for more consistency across Scotland, but the Hub should be appropriately resourced to prevent bottle-necking of projects. Clarification should be provided on the definition of a “fully performance-based design.”

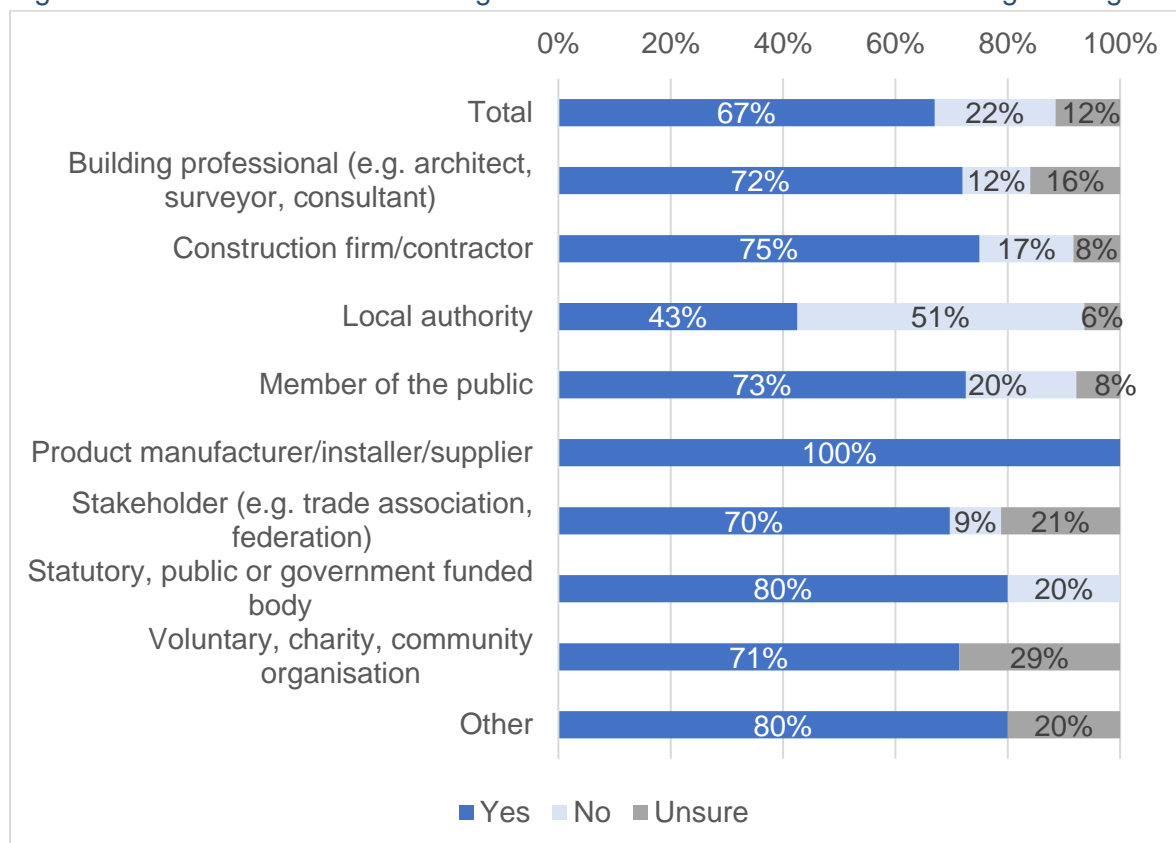
Building Professional

Consultation question 2.5 asked:

“Do you agree that consideration should be given to a certification scheme for fire engineering?”

Of the 222 respondents, 200 (90%) responded to this question, as set out below:

Figure 33: Consideration should be given to a certification scheme for fire engineering



Just over two-thirds of respondents agree that consideration should be given to a certification scheme for fire engineering, with just over a fifth disagreeing with this proposal (mainly Local Authorities).

Amongst those who agree, a certification system is welcomed to increase competence and safety. Respondents were unsure about the scope of certification, who the responsible body would be, and if this would mean design or engineer certification or both. Several respondents called for a system similar to the Structural Engineering Registration (SER) scheme.

In general, those who disagree feel that fire engineering as a discipline is still too unspecified or underdeveloped for a certification scheme. One respondent pointed out that this view was confirmed by the *Building standards compliance and enforcement review* for the Scottish Government of June 2018.

Those who disagree with the proposal expressed uncertainty about the scope, applicability and overseeing body of certification. Another main concern was the diversity of the fire engineering discipline. One respondent was unclear if this would mean that Fire Engineers would have the right to approve their own designs.

“Yes, all fire engineering design should be certified. This does cross over with who would provide this central certification, we assume the Hub as mentioned in 2.4, subject to resourcing, skills and competency. Nonetheless the ambition of a certification scheme for fire engineering is valid and the concept has been proven through the SER scheme as a benchmark example of what could be delivered in the future.”

Construction Firm

“Fire Engineering as a discipline is too varied and solution specific to neatly fit into a certification scheme. In addition, and in general, the discipline is still young and evolving and tried and tested strategies have not yet advanced to the level where they would be appropriate for certification. The current process where any solution is fully independently verified by Local Authorities provides for the most appropriate and robust method of assessment.”

Local Authority

“Could be useful, but at what level/qualifications? Some alternative strategies do not need complex fire engineering solutions, but still require a certain degree of knowledge and experience - so could be 2 tier based on something like NEBOSH Fire Safety and Risk Management for simpler alternative strategies and degree level for more complex ones.”

Building Professional

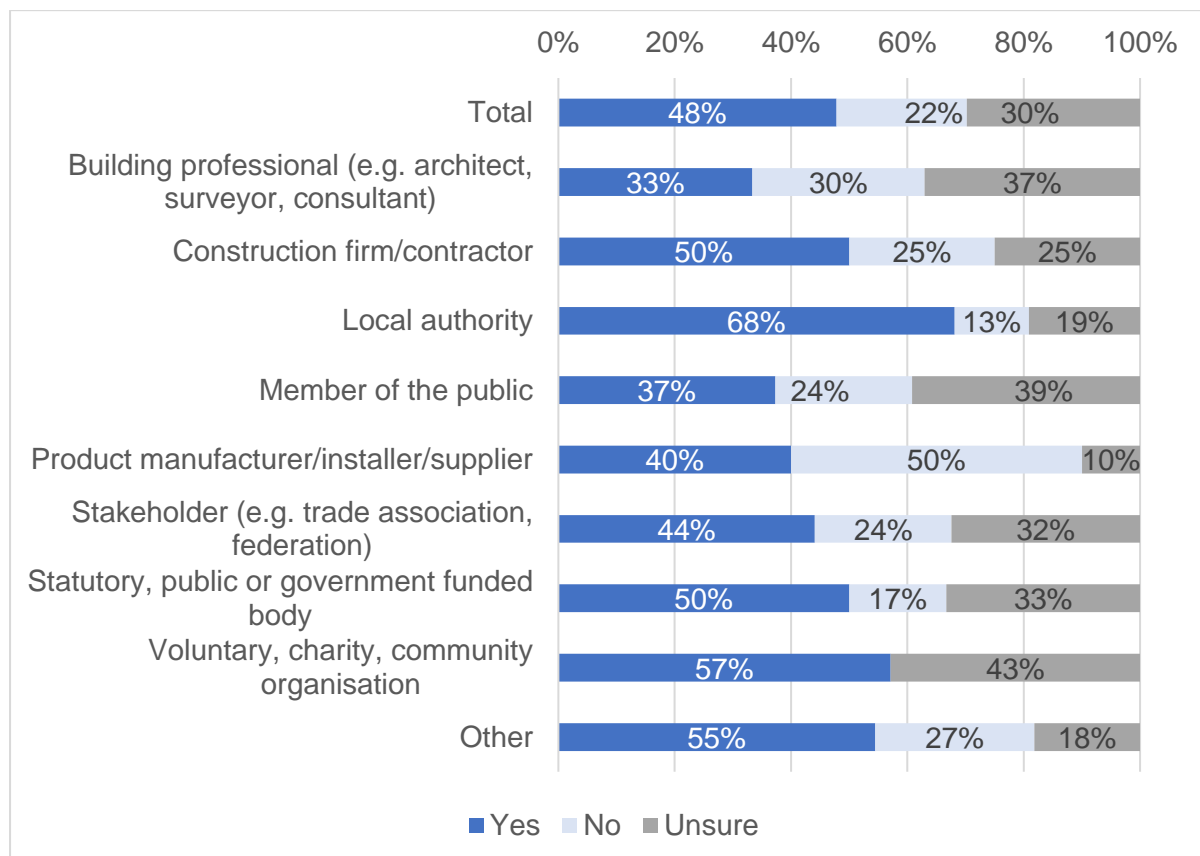
4.3 Reaction to fire – external walls and cladding

Consultation question 2.6 asked:

“Do you agree that the reference to British Standards Reaction to Fire Tests BS 476 should be removed from the Technical Handbook?”

Of the 222 respondents, 205 (92%) responded to this question, as set out below:

Figure 34: Reference to British Standards Reaction to Fire Tests should be removed from the Technical Handbook



Just under half of respondents are in agreement that reference to British Standards Reaction to Fire Tests should be removed from the Technical Handbook; those most in favour are Local Authorities and ‘Voluntary, charity or community organisations’. Just over one fifth disagree (predominantly ‘Product manufacturers/installers/suppliers’), and just under a third are unsure.

The majority of those who agree with removing reference to the tests suggest these are outdated and have been replaced by (better) EU standards, a view shared at face-to-face consultation events. Removing BS476 would ensure harmonisation and clarity. The suggestion of a transition period was also supported.

Some survey respondents made suggestions for alternatives:

- Have a single product classification system in the UK
- If reference to BS Reaction to Fire Tests is removed, reference should presumably be made to BS EN documents
- The section containing reference to Reaction to Fire Tests should be much clearer and not contradictory
- Reference could be retained to wall and ceiling/wall ties.

Amongst survey respondents who disagree with the proposal, there was a general view that Brexit may warrant the retention of the national BS476. In addition, the European Standard was considered to not cover all sections of construction (e.g. internal walling) and all building materials/products used and sold in the UK.

Again, the potential effect of Brexit on standards was raised by those who are unsure about the proposal. Uncertainty persisted about the length and need of a transition period and how exactly the European Standard requirements would be applied in practice.

“Confusion exists with the inclusion of BS & EN test standards. The principle of EN was to override BS and that BS technically should be withdrawn. We feel clarity is needed and a shift to EN appropriate. However, this will require the supply chain to recalibrate and test products/systems & a transition period should be provided to allow this to happen, whereby BS is phased out and EN takes over. This milestone should be fixed in time, with say a 1 year transition period.”

Construction Firm/Contractor

“There is a need for increased clarity in the area. However, this does not mean that the BS reaction to fire tests should be removed completely. There is a valid place for these especially for products which are sold nationally and which do not have harmonised European specifications (hENs) or European Assessment documents (EADs).”

Product Manufacturer/Installer/Supplier

“We aren't exactly in a position to know what the legislation/standards landscape might be after the UK exits/ doesn't exit the EU. I'd hang on to any applicable standard for the time being.”

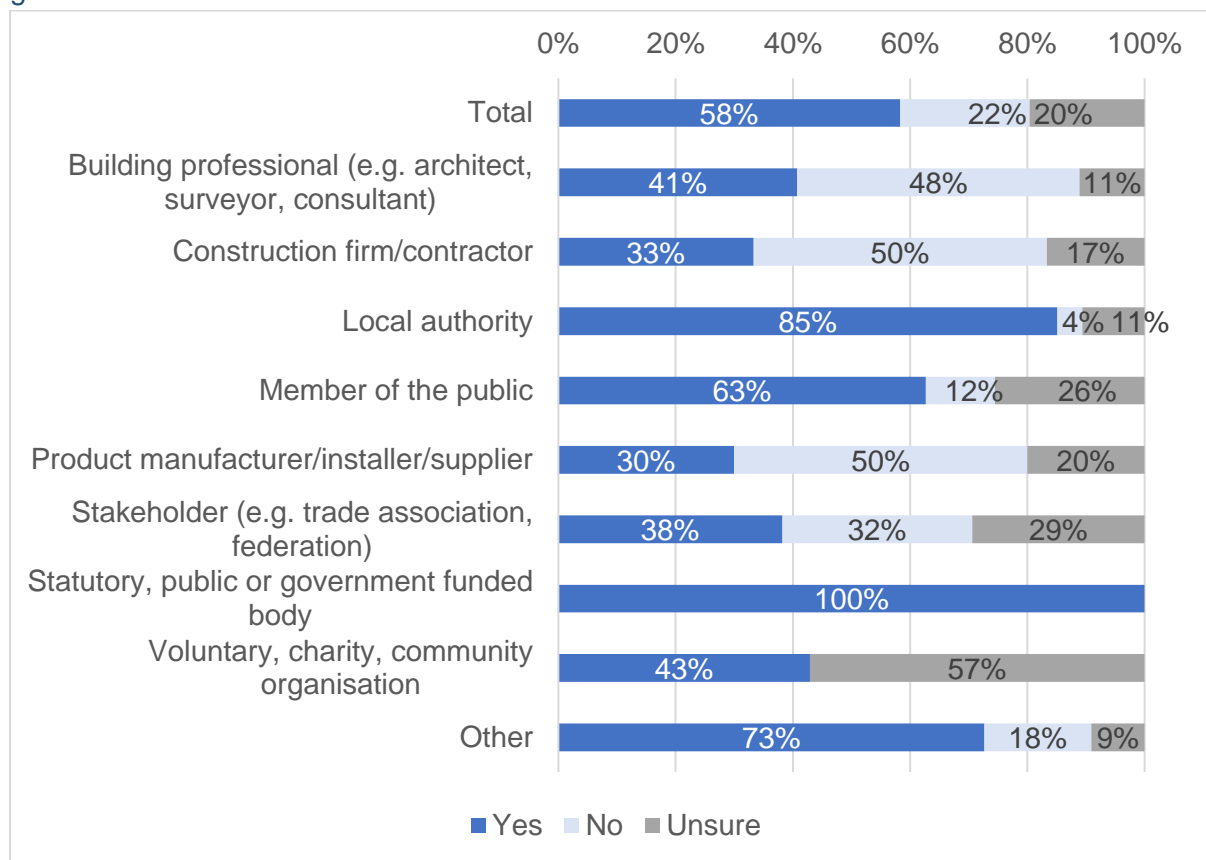
Local Authority

Consultation question 2.7 asked:

“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 11 m above ground?”

Of the 222 respondents, 204 (92%) responded to this question, as set out below:

Figure 35: Only A1 and A2 materials should be required for external walls or insulation exposed in a variety of high rise building with a storey height of more than 11 m above ground



Nearly three fifths of respondents agree that only A1 and A2 materials should be used for external walls or insulation exposed in a variety of high risk buildings with a storey height of more than 11 m above ground. Agreement is strongest amongst Local Authorities and ‘Statutory, public or government-funded bodies’.

Those who agree with the proposal welcome it as a way of restoring public confidence as well as increasing safety and clarity. Several respondents were unsure about the impact of Brexit. One respondent questioned the consistency of reducing the height requirement to 11 m above ground with proposals in England

and Wales. Another supported the reduction. The focus on a cavity was also questioned by one respondent.

Of those who disagree with the proposal (mainly 'Construction firms/contractors'), the restriction to A1 and A2 materials was only questioned based on economic viability of projects, materials currently used in the industry and added value for safety. Several respondents called for permitting the use of materials in accordance with BS476 or B8414 testing and BR135 classification. In addition, 10 respondents opposed the reduction of the height requirement from 18 m to 11 m, either suggesting that the current requirement is sufficient, or that further evidence is required to support a change from 18 m to 11 m.

Respondents who are unsure questioned the 11 m height requirement for all building types and the focus on A1/A2 materials. Several answers pointed out that fire safety depends on more than materials and rather on a fire strategy for buildings. Reducing the height requirement from 18 m to 11 m was also questioned.

In face-to-face consultations, a common theme was to question the reduction from 18 m to 11 m in any discussion when a blanket ban would remove scope for ambiguity and reduce the risk to occupants.

“Higher risk buildings require higher protection levels against fire spread and the provision of A1 & A2 materials using the European Harmonised reaction to fire tests appears a reasonable way of controlling the materials applied to such buildings. As the height of a fire service jet is expected to reach from ground level mounted water jet is 11 m, the reduction of height from 18 m to 11 m is supported.”

Local Authority

“This is highly restrictive in terms of achieving ever increasing energy conservation standards adding significant cost and design complexity. This is a more complex issue requiring attention to ensuring design and 'as built' comply with relevant standards. The installation quality has a major role to play and even A1 and A2 materials can be part of an 'at risk' situation if installed incorrectly.”

Stakeholder

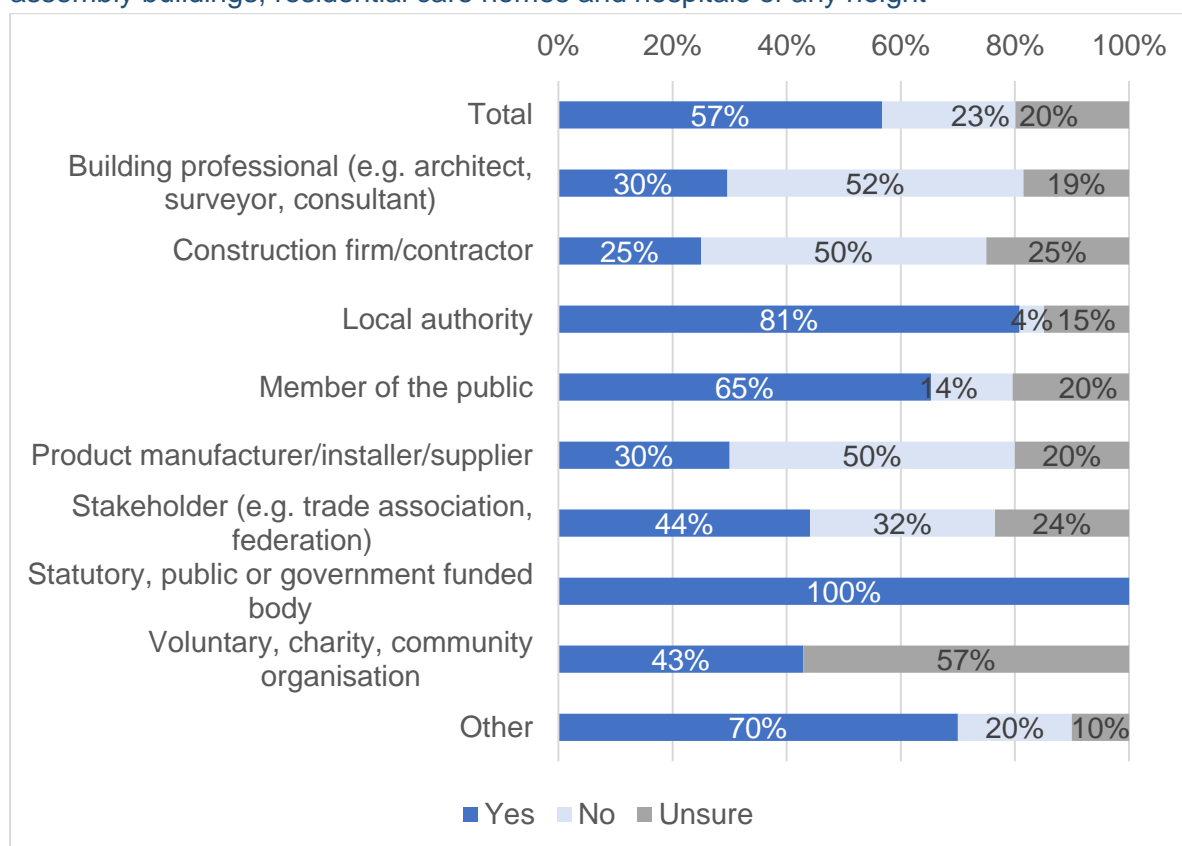
“The restriction of materials should be based on assessment of the risks associated with the building. This should include the fire strategy. Buildings with a "stay in place until" require additional safety measures such as the proposed limitation.”

Stakeholder

Consultation question 2.8 asked:

“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?”

Of the 222 respondents, 201 (91%) responded to this question, as set out below:
 Figure 36: Only A1 and A2 materials, using 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



More than half of respondents agree that only A1 and A2 materials, using 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. Almost a quarter disagree (mostly ‘Statutory, public or government funded bodies’) with the proposal, and almost a fifth (mainly ‘Voluntary, charity or community organisations’) are unsure.

Respondents in favour of the proposal tend to agree that the approach would strengthen the building standard system and increase fire safety for these buildings with high occupancy, as well as provide further clarity. Several respondents suggested schools should also be covered by this requirement.

Where respondents disagree with this suggestion, they question the merit for fire safety. Increased costs for small projects were also highlighted as a potential consequence and the suggestion that materials in conformity with BS476 should also be permitted was repeated. There was also concern that existing construction 'fleets' (the example was given of modular hire fleets delivering modular building solutions) could be made obsolete and the widespread use of timber building methods could be put into jeopardy.

Where respondents were unsure, this centred around the effectiveness of this approach and whether a focus on evacuation procedures for entertainment and assembly buildings would be more appropriate. Moreover, respondents were not sure whether this requirement should apply to any height.

"The proposal will deliver improved safety for entertainment and assembly buildings, residential care homes and hospitals of any height."

Local Authority

"In the case of our offsite modular wall systems we use materials that would be excluded if this was enforced, however the construction of these walls has been rigorously tested to BS 476 and achieve either 30 min or 60 min fire ratings, therefore if a system is tested and compliant then it should be accepted for use."

Construction Firm/Contractor

"Following the logic described in our response to Q 2.7, this would apply to care homes and hospitals. However, if an entertainment venue could be rapidly evacuated then this would not seem needed."

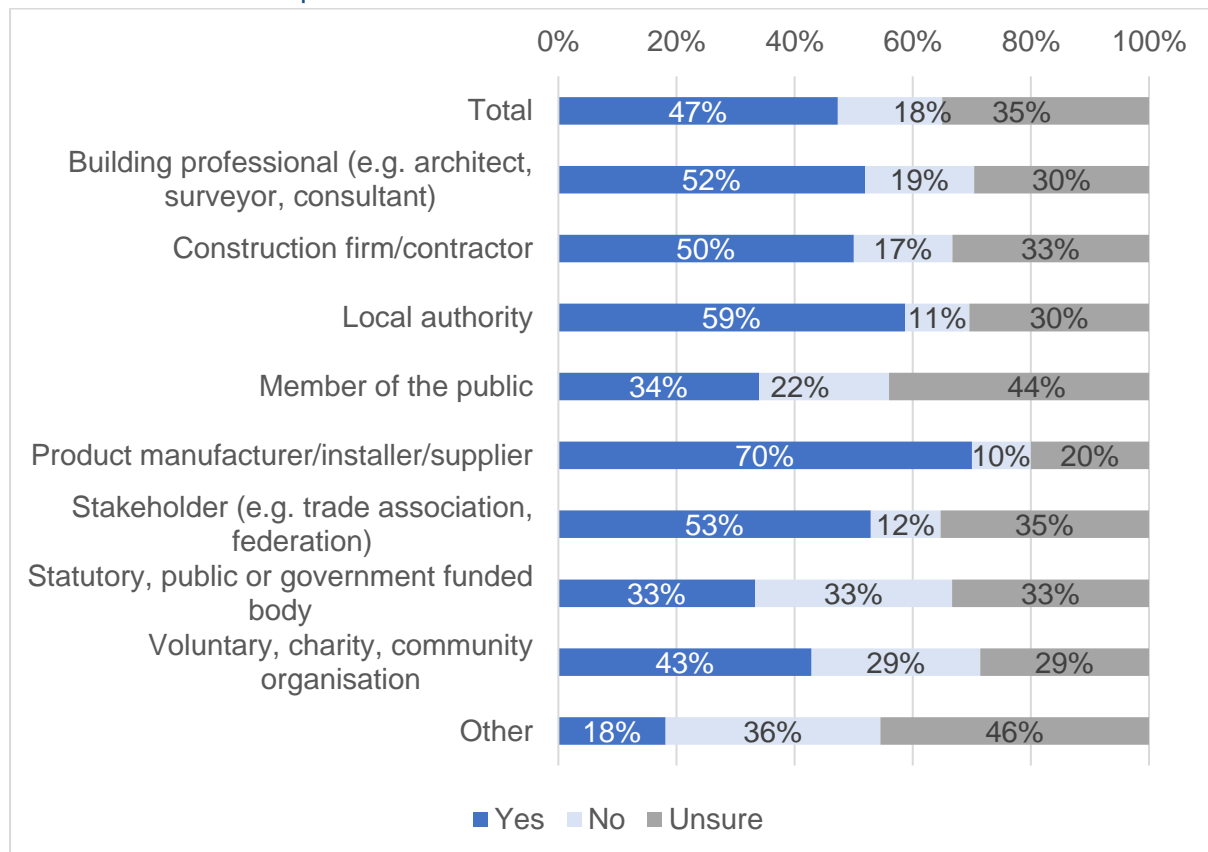
Stakeholder

Consultation question 2.9 asked:

“Do you agree that BS 8414 (and BR135) may still be used as an alternative method of providing evidence to show compliance?”

Of the 222 respondents, 203 (92%) responded to this question, as set out below:

Figure 37: BS 8414 (and BR135) may still be used as an alternative method of providing evidence to show compliance



Under half of respondents agree (predominantly ‘Product manufacturers/ installers/suppliers’), and over a third are unsure (mainly members of the public) whether BS8414 should be used as an alternative method of providing evidence to show compliance.

Those who agree generally suggest the standard is fairly well-respected in industry but may benefit from some updating, including the testing of the cladding system as a whole, not just the component parts in isolation. Transparency by test houses on successes and failures was raised by many as being key, as is flexibility in compliance.

Those who were unsure of the proposal were so inclined due to three core reasons: either they were not familiar with the testing; they were concerned by external factors

such as the Grenfell inquiry, Brexit implications, or that the on-site testing of a complete cladding system was a key issue.

Just under a fifth selecting a 'no' response indicated that there should be a ban on combustible cladding and that this is an issue of occupant safety. This is also a key finding from the face-to-face consultation events. In less frequency others commented on the lack of transparency and on-site testing in the current method.

“Full scale testing is impossible to replicate real life variance in quality standard. Use non-flammable materials. It's simple unless profit comes before safety.”

Building Professional

“As an off-site manufacturer of 30 years standing, flexibility is needed to demonstrate compliance. Performance based testing & prescriptive classifications are necessary, so it is important we retain the BS 8414 testing & BR135 methods. This ensures innovation is maintained and provides several compliance pathways for systems or products to be evaluated and used with confidence.”

Construction Firm/Contractor

“Quite obviously there are issues at present. Whatever methodology is used it must ensure safety of occupants.”

Stakeholder

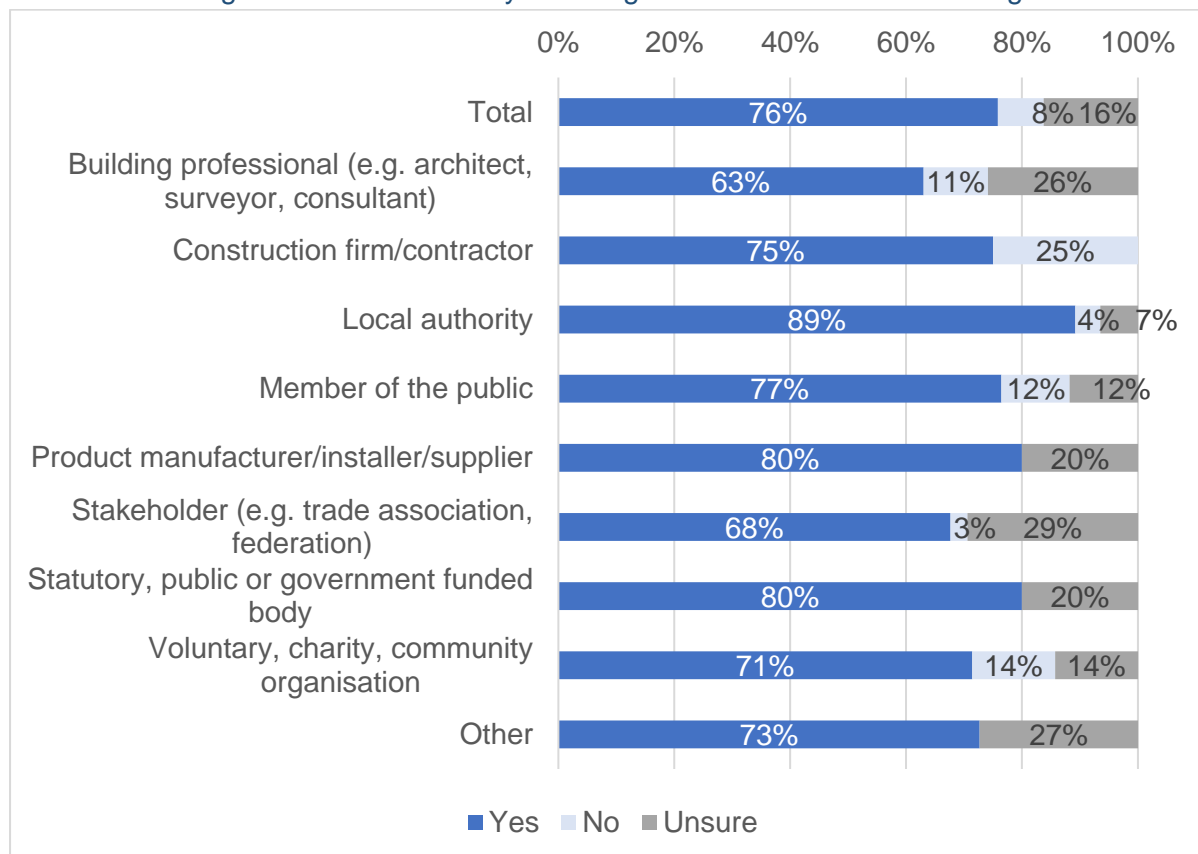
4 Escape

Consultation question 2.10 asked:

“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 18 m above ground level?”

Of the 222 respondents, 203 (92%) responded to this question, as set out below:

Figure 38: 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 18 m above ground level



Three quarters of respondents, supported by wide consensus during face-to-face consultation events, are in agreement that fire service activated sounders should be required in each flat in new domestic buildings with a storey height of more than 18 m above ground level. Respondents pointed to various considerations, namely focusing on maintenance of the system, ensuring practical application does not create additional risks and resistance to abuse/vandalism. It was also suggested that retrospective fitting should be undertaken.

Many welcomed the proposal stating that it would help with dynamic risk assessment, where a ‘stay in place’ approach is not appropriate. A minority questioned why 18 m is being proposed, and not 11 m.

Further points put forward in survey responses reflected on key considerations and how the system could work:

- Using a technological solution that should enable the evacuation of single floors or, in large blocks of flats, a single wing;
- Consideration needs to be given to less mobile/elderly tenants;
- Sounders should not be in lieu of compartmentation;
- Phased evacuation must be a consideration;
- A high degree of management would be needed to avoid placing a high degree of responsibility on the Fire Officer;
- The fire service should have a register of the age and physical ability of occupations of high rise residential buildings.

Participants at the consultation events voiced some concerns about who would have responsibility for maintenance, and that different sounds could lead to confusion around which alarm systems was triggered (e.g. smoke detector, sirens). Participants tended to agree with survey respondents that the system should be activated by the Fire & Rescue Service, and that good communication with residents would be essential.

One building professional highlighted various additional considerations – such as enabling a Fire & Rescue Service-led evacuation sequence, permitting them to activate the evacuation alarm sequence on the highest risk storeys in all multi-storey, multi-tenant domestic buildings. Additionally, lines of authority will be needed to ensure persons with control of dynamic change to a building's evacuation strategy know how and when to do so. This latter point was also supported by other respondents ('Stakeholders' and 'Construction firm/contractors').

Those respondents who were unsure (mainly 'Stakeholders') pointed to the similar rationales as those responding in favour highlighting that there would be a potential for creating additional risks. Concerns were also that such a system may induce mass panic.

Those against the proposal (mainly 'Voluntary, charity or community organisations') had concerns that it was either overkill to have this option once fire and rescue arrive at the scene of a fire, with some suggesting the system should be accessible to residents to raise the alarm. Some 'no' respondents suggested that this may also be problematic on a practical level for those with hearing impairments.

“Due to the unpredictability of fire, ‘the stay in place’ approach may not be appropriate in circumstances where conditions become untenable. A fire service activated evacuation sounder would assist SFRS with a dynamic risk assessment approach to a fire occurring in a high-rise block.”

Local Authority

“The risks of the stair potentially being overwhelmed if all residents were evacuated from the building simultaneously should be carefully considered and facilities for the fire service to effect a phased evacuation of the building introduced where deemed necessary.”

Building Professional

“Fire service activated evacuation alerts should be put into the fire safety strategy, how this is delivered is up to the owners and engineers of the buildings. Publishing guidance that requires a type of alert system will inhibit innovation. Also, how would deaf people know to evacuate with a sounder?”

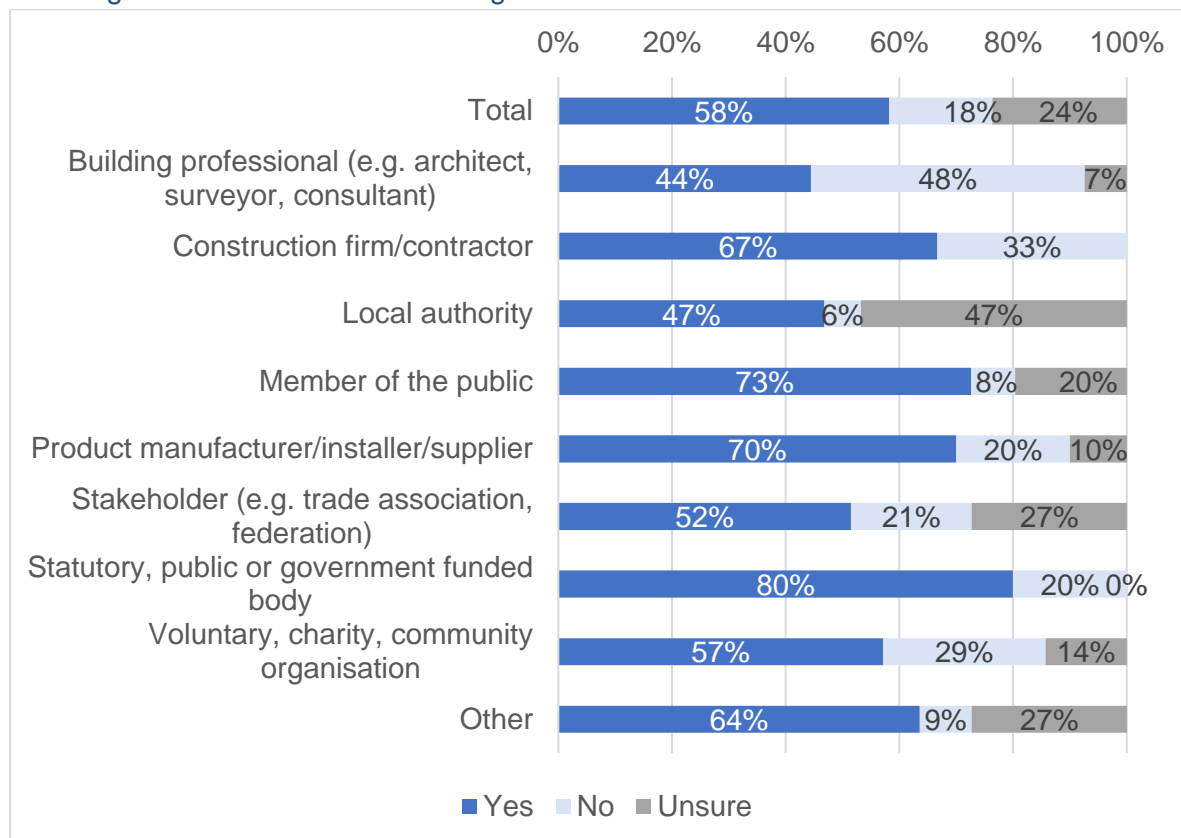
Stakeholder

Consultation question 2.11 asked:

“Do you agree that two stairways should be required for new domestic buildings which have a storey at a height of more than 18 m above ground level?”

Of the 222 respondents, 203 (92%) responded to this question, as set out below:

Figure 39: Two stairways should be required for new domestic buildings which have a storey at a height of more than 18 m above ground level



Nearly three fifths (mainly ‘Statutory, public or government-funded bodies’) are in favour of the proposal for two stairways being required for new domestic buildings which have a storey height of more than 18 m above ground level. During face-to-face consultation a common quote was that “two (staircases) are better than one.” Disadvantages to this were seen to be the implication on design space and with that, cost.

Participants at the consultation events put forward a few estimates of potential costs, for example:

- £20k per floor (including doors and lights, plus additional cost for emergency lighting);
- Approximately £1,000/sq m (which could add £10k to each property);

- A university build might cost about £3m: for a second stair for 6 floors £1,000 per level was mentioned (but specifics not discussed).

For those who agreed with the proposal, most felt it was a prudent decision – helping to ease congestion during evacuation and providing an essential alternative means of escape. A small group suggested the proposal should relate to buildings of more than 11 m, with others suggesting that two staircases from ground level would aid fire and rescue in evacuation and firefighting. It was also noted that accessibility was an issue with escape routes often doubling as storage space.

Nearly a quarter of respondents, predominantly LAs, were unsure of this proposals' utility, with a lack of evidence commonly cited as rationale. It was widely recognised that whilst a “two being better than one” approach was difficult to argue against, the introduction of other methods such as automatic fire suppression systems were not only more important but would be easier to introduce from a practical standpoint for both new builds and retrospective builds.

Almost one fifth also voted against the proposal. This group were highly represented by contractors, construction firms, building professionals and other stakeholders. The majority of respondents in this category indicated that this is reactionary to the Grenfell tragedy rather than based on evidence. Some suggest considering a wider single staircase, greater focus on the prevention of smoke ingress to stairwells; some also cite the effectiveness of current regulations.

“High rise blocks of flats with a single stair design had a good fire safety record prior to the Grenfell fire and in the absence of combustible cladding. Adding another stair will not necessarily result in major improvement on the standard of fire safety of high rise blocks of flats.”

Building Professional

“Our members are of the opinion that having two fire stairs in each building above 18 m is a good idea in principle, but any decision on whether this proposal should be included in Scottish Building Standards should be based on clear evidence that it will improve safety. It has been brought to our attention that it is currently unclear that having only one stairway for buildings over 18 m in height has ever impacted on safety in Scottish buildings. There could be significant cost implications from requiring two stairways, not just through the initial increased cost of construction, but also through the reduction in space available to sell or rent. That said, if evidence is clear that having two stairways would increase safety, then the SPF would support this measure. In addition, our members have noted that current Firefighting procedures could change to reflect current building standards. Notably, stopping the practice of opening fire doors for hoses from two

floors below could be considered, with a riser used that is closer to the relevant floor. This will help to maintain the functionality of fire lobbies and smoke doors to stairwells.”

Stakeholder

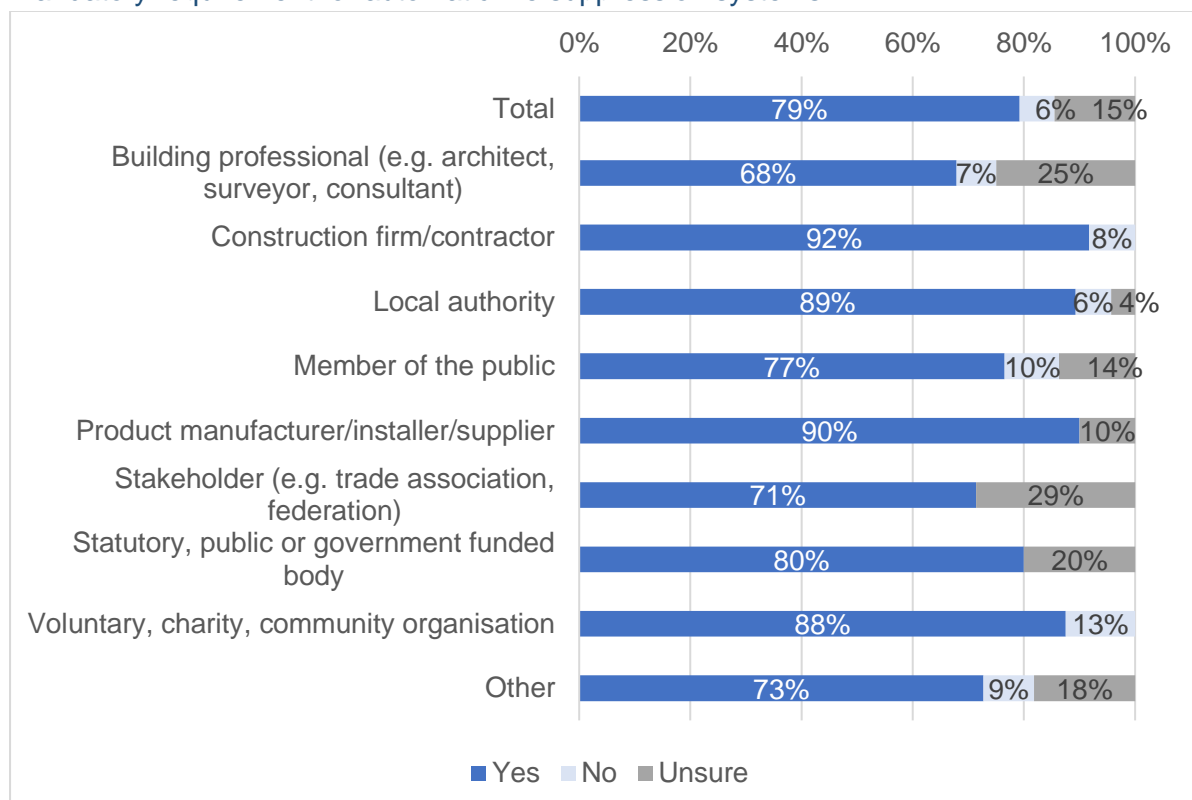
4.5 Automatic fire suppression systems

Consultation question 2.12 asked:

“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?”

Of the 222 respondents, 207 (93%) responded to this question, as set out below:

Figure 40: New HMOs used for "care" 24/7 should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems



Large numbers of those attending face-to-face consultations and almost four fifths of survey respondents agree that new HMOs for care 24/7 should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems.

Most agree that this is an existing omission that should be addressed and some state that this proposal should also be retrospective and should extend to all buildings housing vulnerable groups. Some others requested clarity over how an HMO is defined. A small number also suggested consideration should be given to the appropriateness of mist systems, as full water systems are not always necessary and require greater water pressure and support from water tanks.

Respondents who answered 'unsure' were split between those who believed there were more qualified respondents to answer, such as Fire and Rescue, and those who were aware that there are practicality and cost issues involved in implementing this proposal.

Those against the proposal are concerned that this would impact on the design and the need should be based on risk and other fire safety capabilities.

“Although this is not an area we are involved in, from our limited knowledge of HMOs, there seems a case to include suppression systems based on the nature and mix of the people/families within these buildings, particularly if there is a “care” consideration, which would infer more vulnerable people.”

Construction Firm/Contractor

“While this would be beneficial in the majority of circumstances there should be flexibility to allow designs where fire suppression may be inappropriate.”

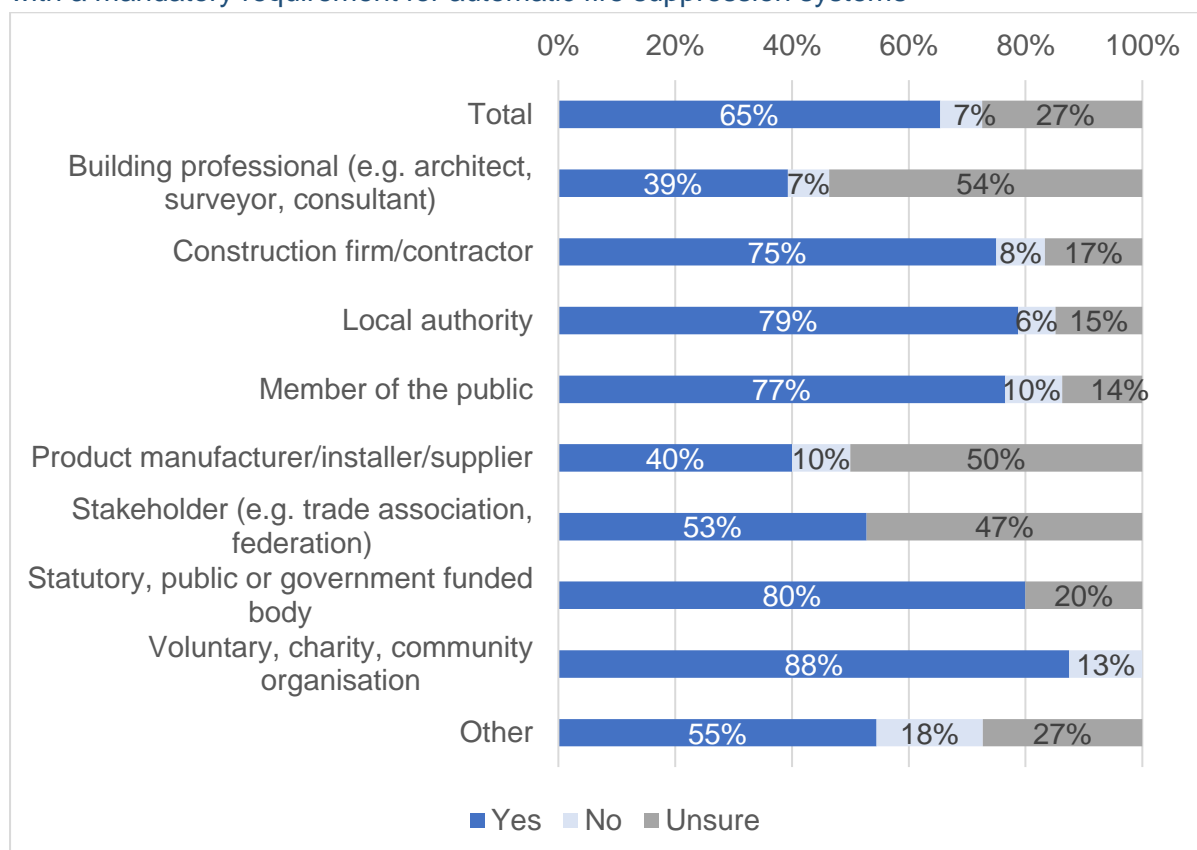
Local Authority

Consultation question 2.13 asked:

“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?”

Of the 222 respondents, 208 (94%) responded to this question, as set out below:

Figure 41: New HMOs with 10 or more occupants should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems



When asked if new HMOs with 10 occupants should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems, just under two thirds were in favour (mainly ‘Voluntary, charity or community organisations’). Many of these respondents felt the proposal should apply to all HMOs. A couple specifically singled out all non-domestic residential buildings which present a sleeping risk, and a few suggested it should apply to all HMOs used for care (additionally to their response to the previous question, specifically centred on HMOs for care). The sleeping risk was also commented on widely during face-to-face consultations.

Over a quarter of respondents were unsure of this proposal with large numbers indicating a greater need for evidence before moving forward with such a proposal. A

smaller group stated that their uncertainty was based on lack of appropriate knowledge in this area, with others suggesting that vandalism and inappropriate use may become a concern if implemented.

Of those not in favour of the proposal (mainly those in the 'other' group and 'Product manufacturers/installers/suppliers'), there was a mixed response with individuals holding issue with the significance of '10 occupants' – some suggested anything above six occupants – others deemed that alternative methods could be more practical and that each build would have a context that drives innovative decision-making on what to install.

“Particularly relevant where there are people with learning or physical disabilities, mental health (issues) or older people. Also consider prisons.”

Member of the Public

“If the number of groups which are to be included within the consultation for sprinkler systems plus what is already included, why doesn't the consultation look at including all non-domestic buildings with a sleeping risk and setting a sprinkler system as the minimum requirement for these types of buildings? The regulations' definitions in relation to some of these buildings are not exactly clear, and work should be done to alter these definitions and therefore remove any ambiguity when looking at these types of buildings.”

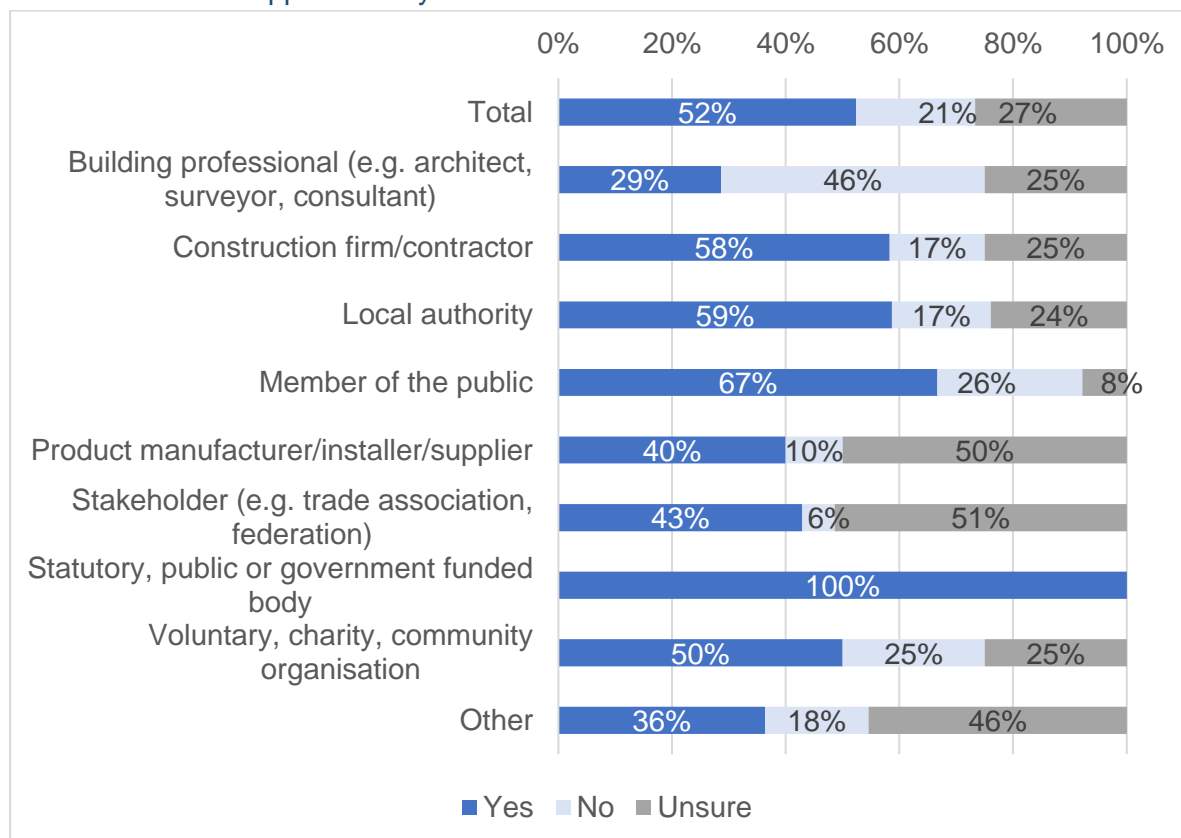
Local Authority

Consultation question 2.14 asked:

“Do you agree that new flats should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems?”

Of the 222 respondents, 206 (93%) responded to this question, as set out below:

Figure 42: New flats should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems



Just over half of respondents agree new flats should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems. Agreement was strongest amongst ‘Statutory, public or government-funded bodies’; there was a high degree of uncertainty amongst ‘Stakeholders’ and ‘Product manufacturers/installers/suppliers’.

A small group stated this should be achievable for relatively low cost, if installed at the time of construction. Many respondents felt the proposal should be extended to include other types of buildings. These include: buildings of five storeys and above; older buildings; buildings above 18 m; supported housing; flats above 4.5 m; buildings above 11 m; buildings containing mixed uses; warehouses and factories; student accommodation.

Just over a quarter of respondents were unsure if new flats should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems. The majority suggest that the question in this instance is unhelpful and leaves room for ambiguity, particularly around the height at which the requirement would begin to apply. It was suggested by a large minority that risk was a key factor. The context of four flats in a block was highlighted as being extremely different.

Just over one fifth of respondents were against the inclusion of new flats in this list, the two key rationales in this instance were the lack of evidence to suggest this proposal is necessary and the context issue similar to that highlighted by those respondents that were unsure.

“Ideally we would suggest that this should also apply to all properties defined as “supported housing” - and this should also apply to all property types (not just flats) and to existing properties meeting this definition.”

Voluntary, Charity, Community Organisation

“It depends on height, design, level of risk, and what type of fire suppression system are being considered.”

Stakeholder

“This refers to all ‘new flats’ without stating a height limit. A general rule requiring sprinklers in all new flats from ground floor upwards is not supported.”

Building Professional

5. Building Standards (Miscellaneous)

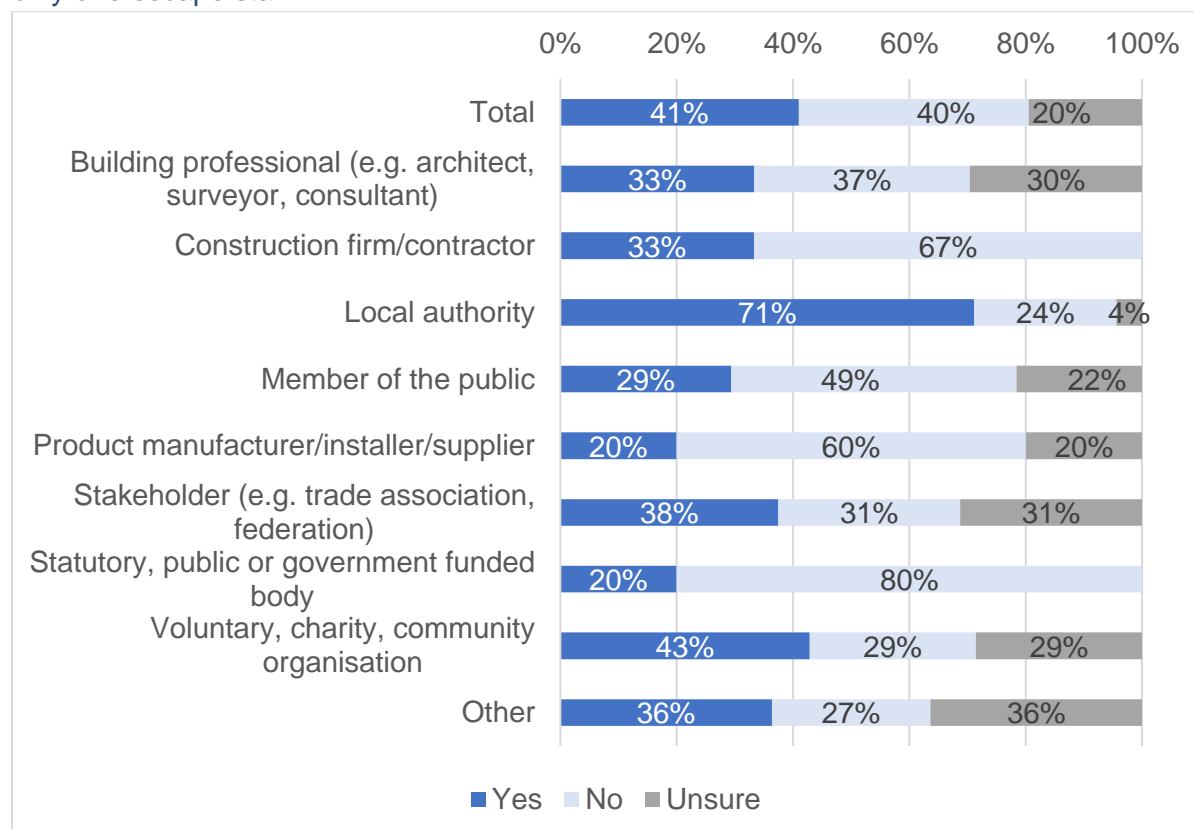
5.1 Shared residential accommodation

Consultation question 3.1 asked:

“Do you agree that protected lobbies need not be provided to shared residential accommodation with only one escape stair?”

Of the 222 respondents, 200 (90%) responded to this question, as set out below:

Figure 43: Protected lobbies need not be provided to share residential accommodation with only one escape stair



Respondents are almost equally split between whether or not protected lobbies need to be provided to share residential accommodation with only one escape stair. Local Authorities are most in favour; ‘Statutory, public or government-funded bodies’ are least in favour.

Of the respondents who believe that protected lobbies are not needed, the general consensus is that they feel that this provision should be removed to be kept in line with domestic building regulations. They feel it was the intention of the 2010 changes to omit protected lobbies in shared residential buildings, and therefore this is an

anomaly in the current guidance and should be removed to ensure guidance congruence. This question has been answered in the small majority by Local Authorities.

Of those who answered 'no', the sentiment is that lobbies are an important escape route, and there needs to be as much protection as possible. Further, a protected lobby could assist the fire rescue service in gaining access to the fire site (a view supported largely by stakeholders). However, a few have noted that this part of the proposal is contradictory to other parts of the consultation.

Where respondents are unsure, their reasoning often has to do with the variance of how many occupants and units there are in a residential accommodation block; more evidence is required to justify the effectiveness of it (a view largely held by 'Building professionals').

"We understand that it was the intention of the 2010 changes to omit protected lobbies in shared residential buildings and support this change which essentially seeks to remove an anomaly within the current guidance."

Local Authority

"A protected lobby could help speed up the fire rescue service gaining access into and evacuating the shared accommodation."

Construction Firm/Contractor

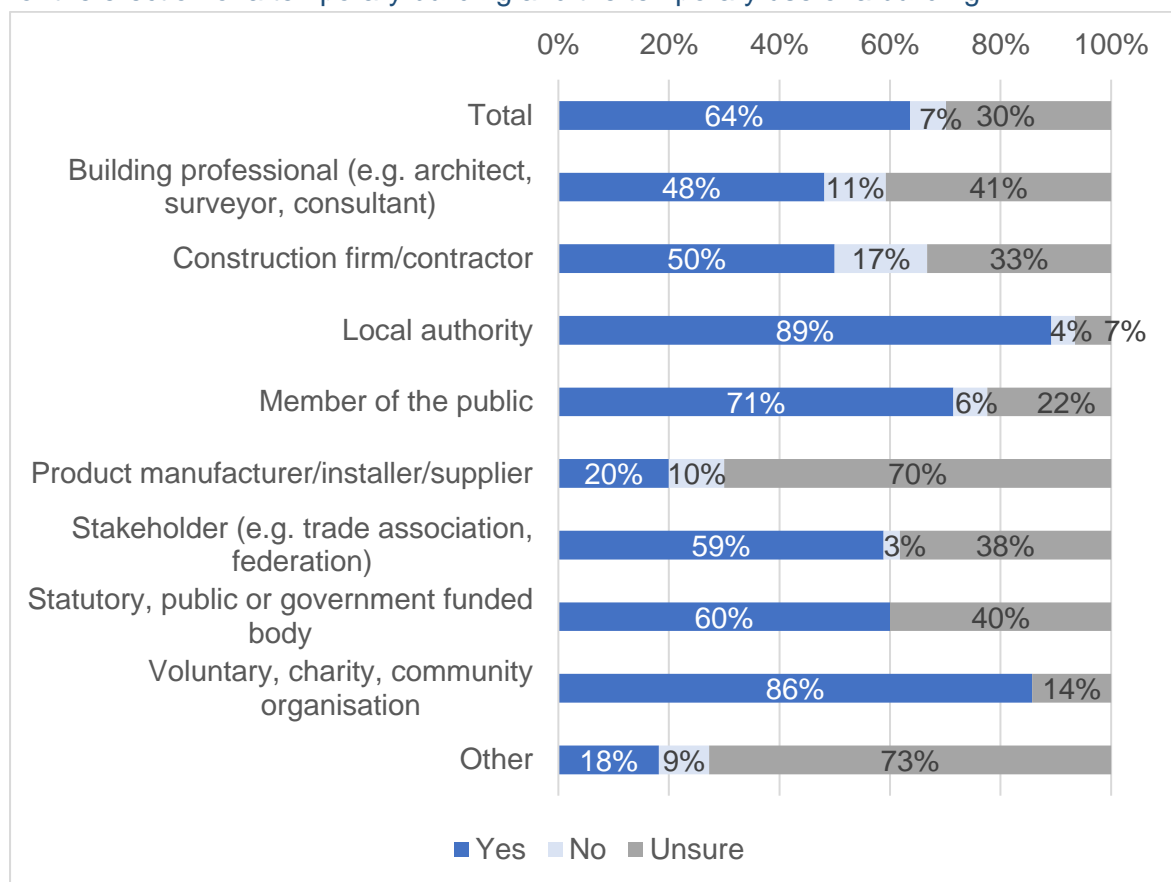
5.2 Temporary buildings

Consultation question 3.2 asked:

“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?”

Of the 222 respondents, 201 (91%) responded to this question, as set out below:

Figure 44: Exempt type 16 building regulations should be reviewed in respect of the criteria for the erection of a temporary building and the temporary use of a building



Respondents to this question mostly responded ‘yes’ (64%) with 49 giving follow up answers. Of those who agree, main factors cited include the lack of clarity around the wording of those caught under an ‘exempt type 16’, and the need to ensure public safety.

Of those who feel that they have a clear interpretation of exempt work type 16, there is a general feeling that, if the regulation here is to be redrafted, care would have to

be taken to ensure public safety. Clarity of interpretation and public safety are front of mind for Local Authorities, stakeholders and members of the public alike.

A couple of examples were given of where the criteria can be open to interpretation:

- Some developers seem to apply the exemption to permanent buildings which happen to be occupied periodically;
- Clarification is required for construction and maintenance projects e.g. large turn around (TAR) projects on Control of Major Accident Hazards (COMAH) sites, although this may be controlled by the competent authority e.g. HSE.

“Consideration would be required in the re-drafting of any work type description to ensure public safety is not compromised and complex structures do not remain in place without warrant approval.”

Member of the Public

“The wording of the exempt class requires greater clarity and currently causes confusion in their application.”

Local Authority

6. Building – areas for further consideration

6.1 Re-shaping the building standards system and Resourcing & skills

In addition to the proposals set out in Part 1, the Review Panel on Compliance and Enforcement also identified areas of the building standards system that require further thought which could require changes to primary legislation.

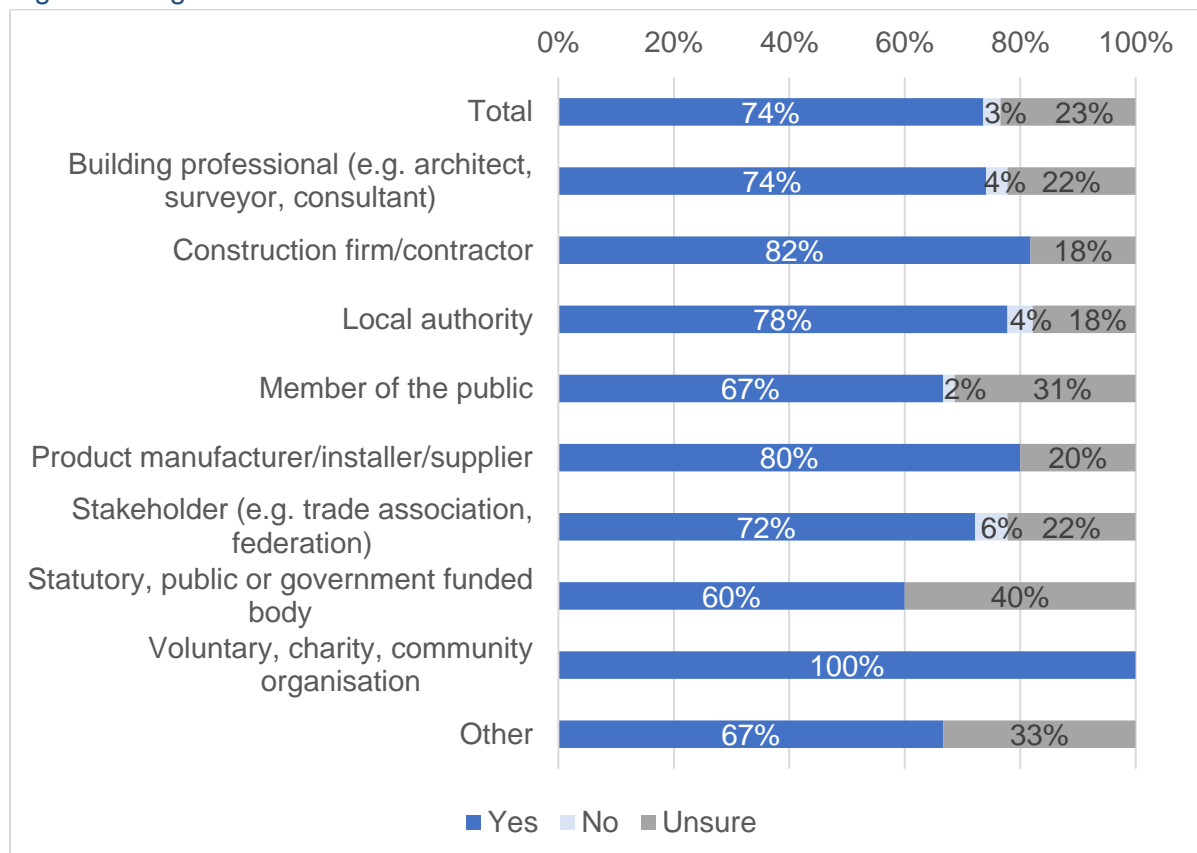
Views on these proposals, under the topics of ‘reshaping the building standards system’ and ‘resourcing and skills’ were sought.

Consultation question 4.1 asked:

“Do you agree with the areas identified for further consideration?”

Of the 222 respondents, 201 (91%) responded to this question, as set out below:

Figure 45: Agreement with the areas identified for further consideration



Of those who responded to this question, almost three quarters agree with the areas defined for further consideration. Many Local Authorities who answered 'yes' to this question did so with a pro-forma response, broadly giving suggestions as to what should be included to improve the building standards system. The issue of funding is raised by many, with one Local Authority stating that there must be a consideration of a *“better way to ensure [this] income is used to deliver verification services”*. A small amount within this group noted that skills and competency, certification schemes and licensed contractor issues should be further examined.

Overarchingly, respondents mentioned the need to ensure high risk buildings are given proper attention and certification. One Local Authority mentioned that while they agree with the proposal to strengthen the system, they would like to have further dialogue about proposals and points which arise out of this consultation investigation.

“We welcome steps to ensure high risk buildings are given due attention. It is particularly important to clearly define higher risk buildings and to provide clear, robust standards and guidance for the materials used and the safety measures provided in these buildings.”

Product Manufacturer/Installer/Supplier

“We recognise the need to review procedures and particularly those relating to enforcement and penalties for non-compliance to ensure verifiers provide a proportionate and consistent approach across Scotland.”

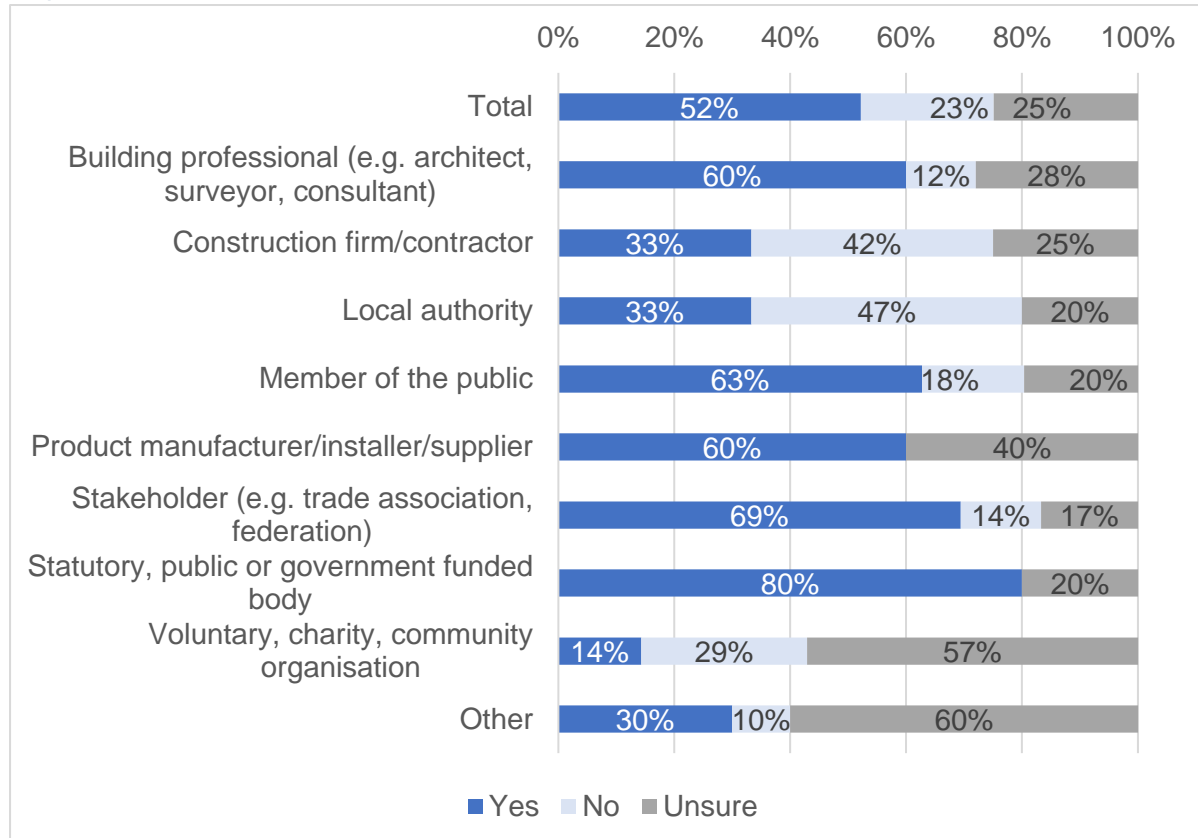
Local Authority

Consultation question 4.2 asked:

“Do you consider there are other areas of the building standards system that require further consideration?”

Of the 222 respondents, 201 (91%) responded to this question, as set out below:

Figure 46: Agreement that there are other areas of the building standards system that require further consideration



Just over half of respondents agree that there are other areas of the building standards system that require further consideration. When answering this question, the overwhelming majority who answered positively believe that there are other areas of the building standards system that require further consideration. Fire safety is an aspect that is repeatedly mentioned, with the main desire being the ongoing compliance with fire safety.

Other concerns include:

- the necessity and dangers of self-closing fire doors;
- mandatory sprinkler systems to be installed;
- fire safety consideration during the construction phase of buildings;

- fire safety being considered as a holistic approach within the building standards system and include smoke control designs.

Another notable comment has to do with the veracity and reputation of the building standards; many state that it is ambiguous and needs further clarity in the wording. Some respondents additionally feel that the maximum total area for any compartment in a storage building should be reduced from its current size, although respondents differ in their appropriate sizing suggestions.

“Building regulations need to take a holistic approach so that you don’t have different definitions in various sections – structure / fire / energy efficiency / access etc.”

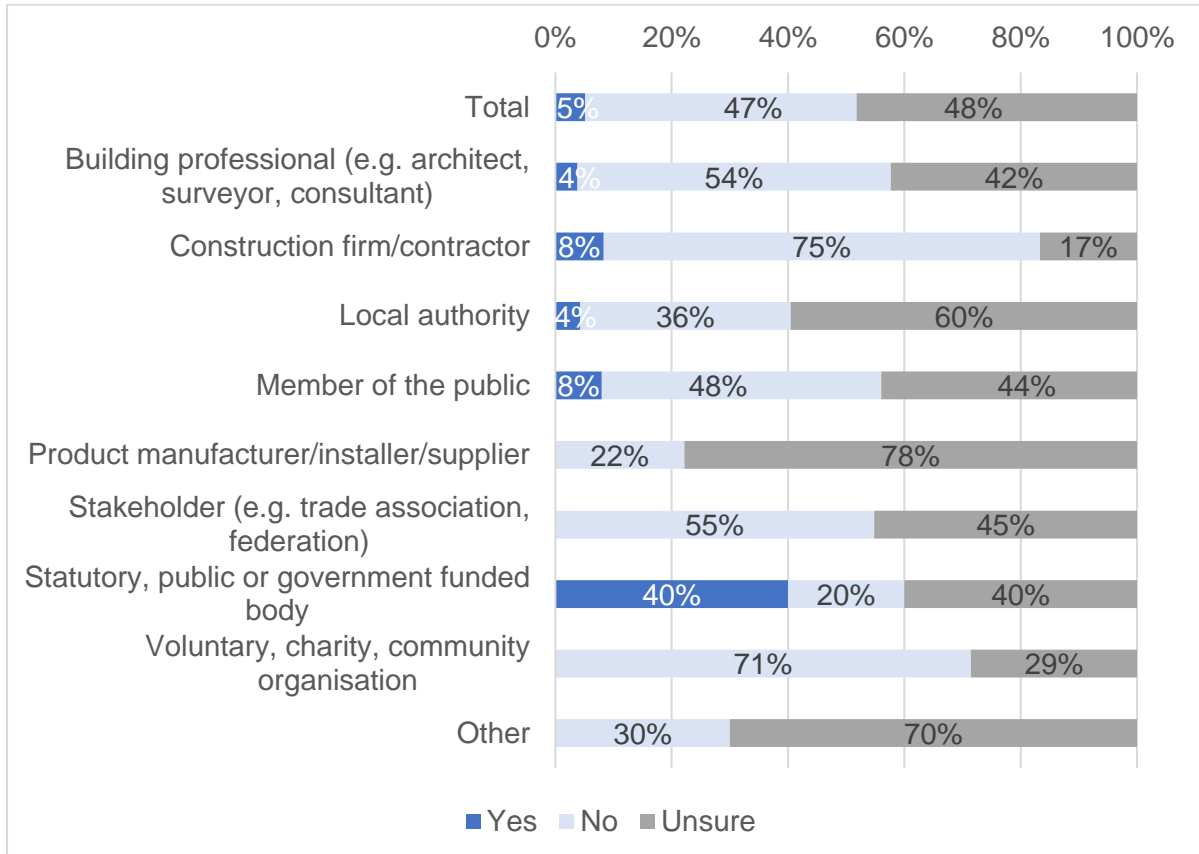
Stakeholder

“The maximum total area of any compartment for Storage Buildings Class 2 should be reduced from the current size of 14,000 metres.”

Member of the public

7. Impact assessments

Figure 47: Any proposals in the consultation which impact or have implications on 'equality groups'



Only 5% of respondents agree there are some proposals which impact or have implications on 'equality groups' (these are mainly 'Statutory, public or government funded bodies'). The remaining respondents to this question were split between being uncertain about the impact on equality groups, or feeling that there will be no implications for them.

All equality groups are expected to suffer increased costs (largely due to travel time). It is suggested that this could correlate to a lower level of service and delays in contracts.

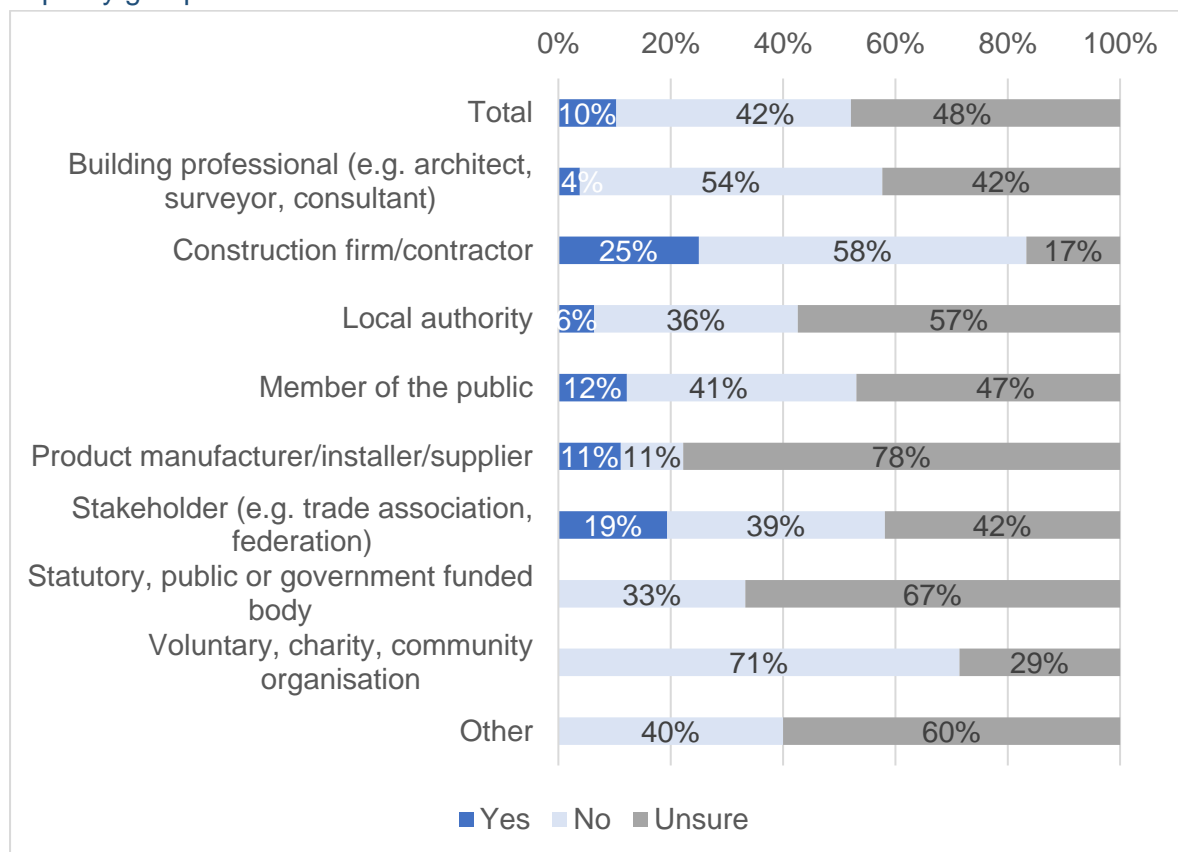
"All of those identified should be required to follow building compliance and enforcement for those stated earlier in this response."

Member of the public

"[This is a] resource issue for Local Authorities."

Local Authority

Figure 48: Any fire safety proposals in this consultation which impact or have implications on 'equality groups'



With regard to fire safety, again most respondents answered that they are unsure (48%) or do not feel (42%) that the proposals in the consultation have an impact on equality groups.

Of those who believe that equality groups will be impacted, the greatest concern centres on 'Escape'. Two respondents believe that the proposal to extend requirements for multiple escape routes helps to take into account people with disabilities, while three state that there is an implication for this group, but do not define what that implication actually is. It has been noted that extra costs of having two staircases would ultimately be passed on to the end user.

Cost is a factor that has been mentioned in all the answers provided.

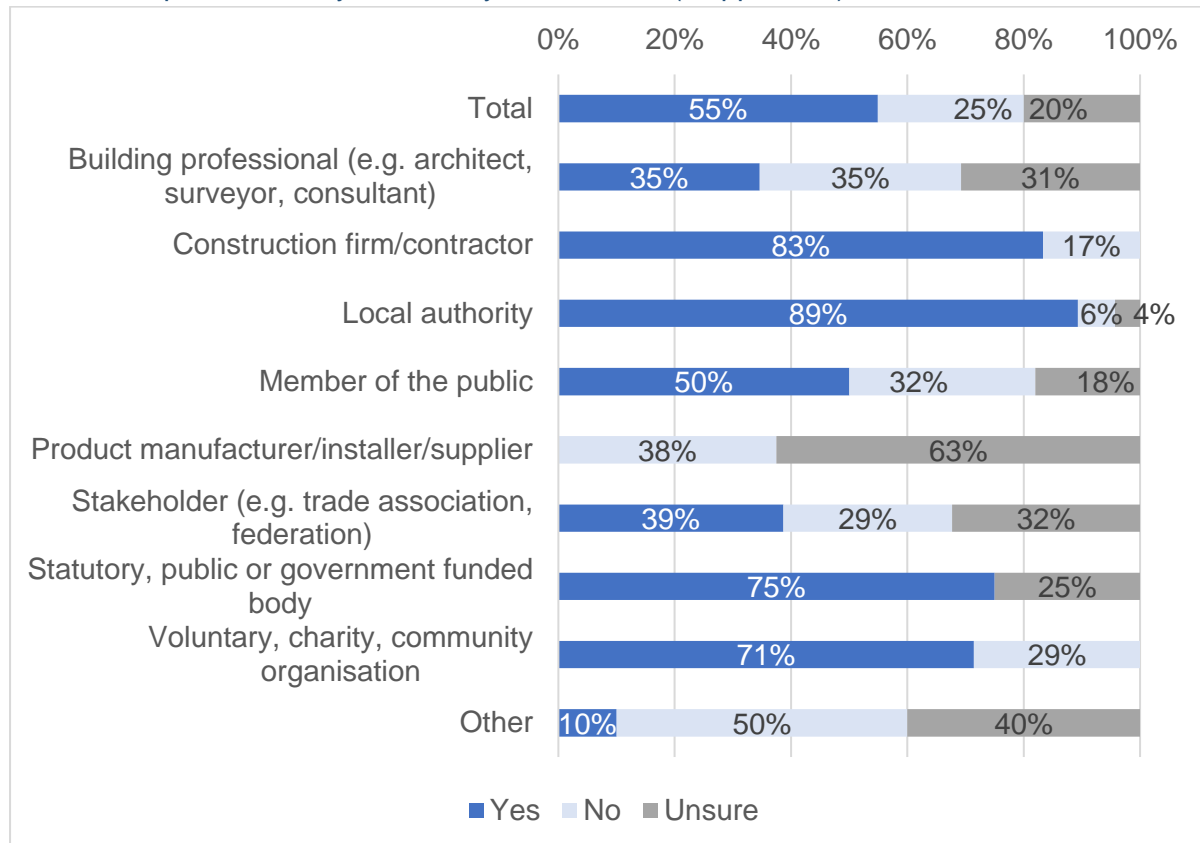
“There are many components for escape and the geometry and number of pathways, whilst very important, are only a small fraction of the parts that need consideration.”

Stakeholder

“The cost of implementation and continued maintenance of these systems will be significant.”

Local Authority

Figure 49: Any implications in this consultation that have any financial, regulatory or resource implications for you and/or your business (if applicable)



Just over half of respondents (mainly Local Authorities and ‘Construction firms/contractors’) to this question answered that they believe the proposals in this consultation will have an effect on their business, largely to do with financial implications.

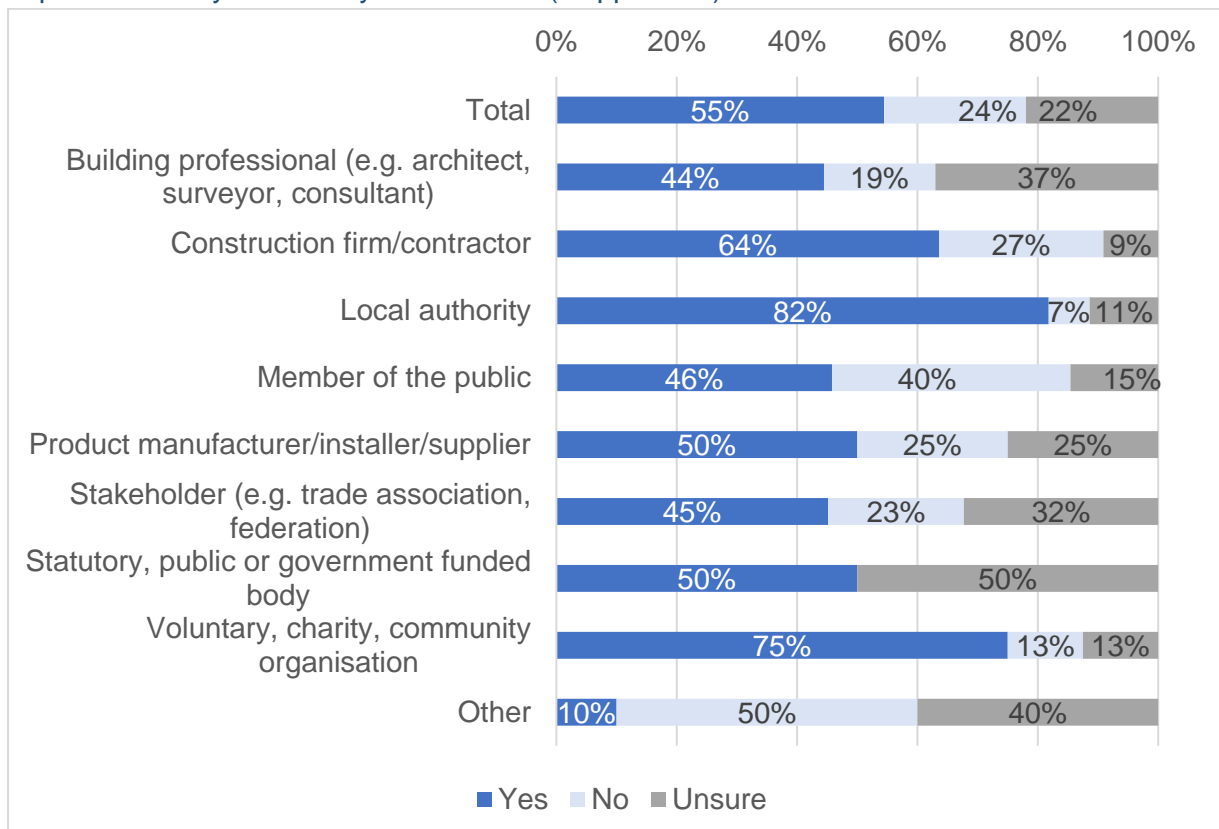
Financial implications feature in most of the other responses, as there are financial implications contained within regulatory (compliance) and resource implications.

Further, an increase in workload and the need to provide additional training are listed as factors for consideration. Therefore, the additional responsibilities placed on verifiers and Local Authorities should be taken into consideration.

“In order to allow verifiers to place a greater emphasis on verification of compliance plans, inspection and testing and meet the Scottish Government’s aims, objectives and aspirations, it would be reasonable to assume verifiers will have a significantly increased administration and evidence verification workload and undertake a greater number of mandatory inspections and this will need to be appropriately resourced.”

Local Authority

Figure 50: Any proposals in this consultation that have any financial, regulatory or resource implications for you and/or your business (if applicable)



Just over half of respondents (predominantly Local Authorities and ‘Voluntary, charity and community organisations’) agree that the proposals in the consultation have financial, regulatory or resource implications for themselves or their business.

Financial implications identified encompass the costs incurred in additional compliance checking, increased design and build costs, installation and maintenance costs, and training costs. A Regulatory and Economic Impact Assessment has been suggested to examine how the potential proposed changes will affect the wider Scottish economy.

The creation of a national hub for verification is very well supported among respondents, with most agreeing that it should assist in streamlining the process. However, some respondents note that there is not a clear proposal as to how the centralised 'hub' would be funded and resourced.

“It would be expected that any changes would be cost neutral to verifiers and it is acknowledged that this may require a revised fee scheme. The cost of funding any central hub has to be fully resourced.”

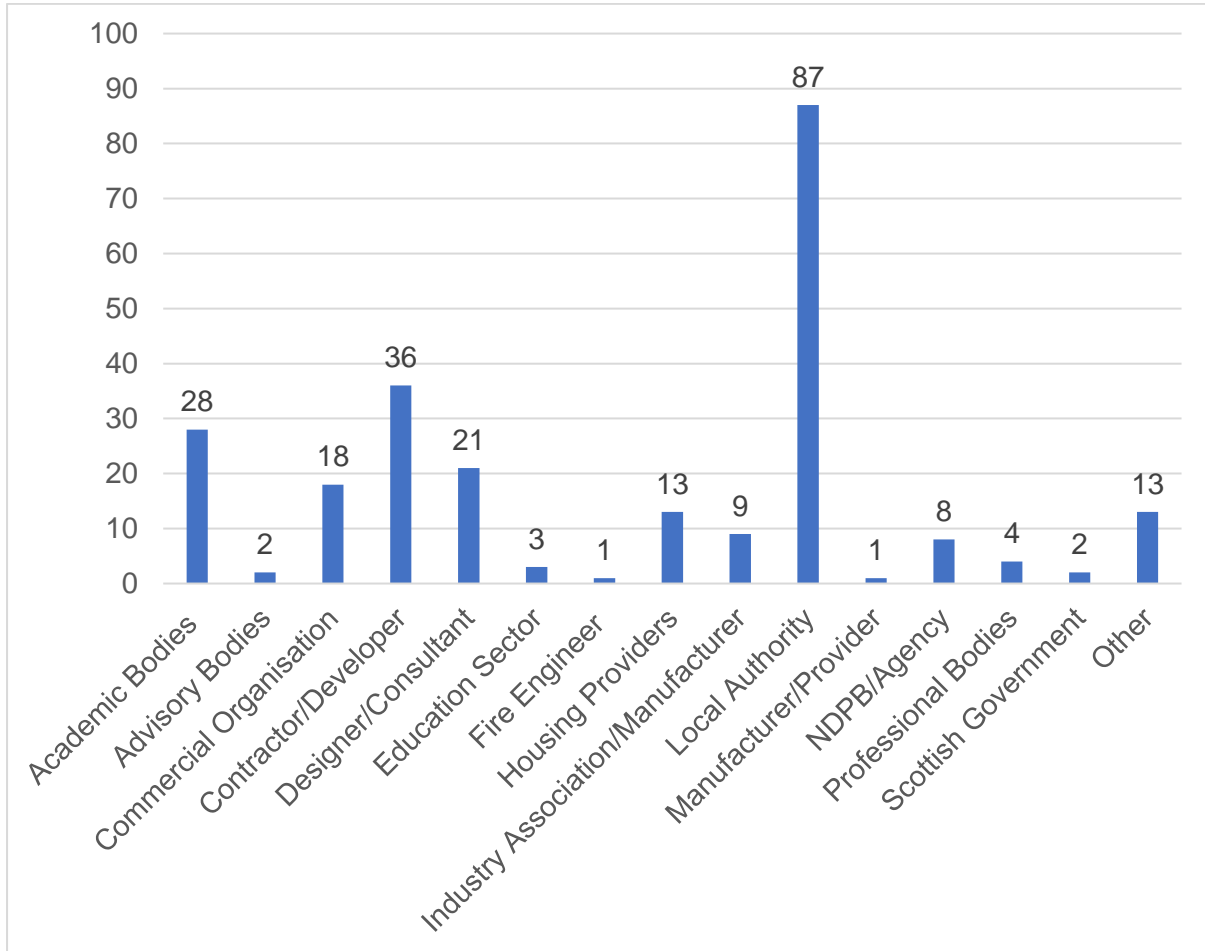
Local Authority

“The main financial implication of the proposals will come from the phase of change. This will always bring costs in communication/resource/ upskilling.”

Building professional

Appendix 1: Profile of event participants

Figure 51: Participants at consultation events



*- based on attendance lists provided by BSD.