
improving living in scotland



**RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION ON
BUILDING STANDARDS COMPLIANCE AND FIRE SAFETY:
A CONSULTATION ON MAKING SCOTLAND'S BUILDINGS SAFER
FOR PEOPLE**

26 SEPTEMBER 2018

ABOUT HOMES FOR SCOTLAND

Homes for Scotland is **the** voice of the home building industry.

With a membership of some 200 organisations together providing 95% of new homes built for sale in Scotland each year as well as a significant proportion of affordable housing, we are committed to improving the quality of living in Scotland by providing this and future generations with warm, sustainable homes in places people *want* to live.

Visit www.homesforscotland.com for further information and follow us on twitter @H_F_S

PROCESS

Homes for Scotland represents members on a wide range of issues affecting their ability to deliver much needed homes.

Our views are endorsed by committees and advisory groups utilising the skills and expertise of key representatives drawn from member companies.

This consultation response has been discussed, drafted and approved by members of the Technical Group.

**HFS Response to Scottish Government Consultation on
Building Standards Compliance and Fire Safety**
A Consultation on Making Scotland's Buildings Safer for People

1. Building Standards (Compliance & Enforcement)

1.1. Do you agree that the roles and responsibilities of verifiers (including their key activities) must be clearly defined and recorded, including the expected level of resources and skills needed to undertake verification activity, and the actual level?

1.1.1. Yes. We agree that the roles and responsibilities of verifiers must be clearly set out and defined. This should include the expected levels of resource and skills required to undertake verification activities. This should set a baseline for a national service level standard, provide a reference point of the expected investment to deliver the service, and ultimately aim to improve consistency in its delivery across all local authority areas.

1.1.2. The importance of a fully functional building standards verification service, which supports the delivery of much needed new housing in Scotland including the delivery of the 50,000 affordable homes target committed to by the Scottish Government, cannot be underestimated. Homes for Scotland (HFS) has previously outlined its concerns regarding poor levels of performance as well as a lack of investment in the skills and resources required to deliver such service provision, noting this to be a key blocker to getting new homes constructed and in that context would question whether local authorities have the resources to carry out this function. Whilst we recognise the financial constraints the public sector is experiencing, we are concerned that fee income generated from the service is not ringfenced to support its provision. It is vital that the expected level of resources and investment required to undertake verification activity is clearly outlined to those appointed to deliver this service in order that the process itself is credible, competent and efficient.

1.1.3. Where service, resourcing and investment levels are not maintained by an appointed verifier, we believe that the Scottish Government must reconsider how verification service providers are appointed, including the potential to extend the scope of appointment to private sector organisations.

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

1.2.1. Unsure. The current building standards system is pre-emptive, placing a greater focus on plan-checking as opposed to onsite inspection. However, we understand that verifiers already have powers to fulfil their obligation to

inspect and test throughout a construction programme where there is a reasonable assumption to do so.

- 1.2.2. HFS is supportive of the principle that verifiers place a greater emphasis on inspection and testing, however believe that this should be in the context of a risk-based approach to verification. Sufficient evidence has not yet been produced to merit a requirement to undertake greater levels of inspection and testing within mainstream new build housing development. Where greater levels of inspection and testing is sought, this should focus on higher-risk buildings (where non-standard/complex design solutions are being considered) and/or where there is data and evidence to suspect widespread non-compliance.
- 1.2.3. Undertaking greater levels of onsite inspection will, of course, require greater resource at local authority level, which at this time does not exist. Consideration should be given to applying a risk-based approach to the verification process; focusing attention on higher-risk buildings and targeting inspection around high-risk, complex, safety critical elements related to that building classification. For clarity, we do not believe that the majority of mainstream housing (low-rise detached, semi-detached, terraced and flatted dwellings) should be categorised as high-risk. Indeed, there was general agreement at Building Standards Division consultation workshops that mainstream housing was relatively low-risk; defining high-risk buildings as those with: a high volume of occupants, in unfamiliar surroundings, with unpredictable behaviours in the event of an emergency.
- 1.2.4. Consideration therefore should be given to establishing process which would enable verifiers to adopt a risk-based approach to verification and work in collaboration with third-party individuals or bodies such as warranty providers (who already carry out similar functions) to avoid duplication of time, effort and resource. Further consideration should be given to how digital evidence could be used to inform the process and negate the need for physical inspection of lower-risk elements.
- 1.2.5. For reference, a significant amount of work is being undertaken on a UK wide basis to address quality issues. Homes for Scotland is engaged within a range of work streams that intent to create an industry standard level for inspection, ultimately seeking to improve quality and confidence in what the industry delivers.
- 1.3. **Do you agree that verifiers must place a strong focus on safety critical elements such as structure (for example wall ties, lateral restraint) and fire safety (for example fire protection, fire-stopping, cavity barriers)? If possible, please provide details in the comments box of other elements that should be included.**

- 1.3.1. Unsure. In light of the Edinburgh Schools Inquiry and Grenfell, we support the principle of the above proposal. However, we believe that the approach taken by verifiers must reflect the relative nature of risk related to the building type and its complexity. To re-emphasise the point made in question 1.2, we do not believe that mainstream housing development constitutes a high-risk building typology, given the relative standardisation and repetition of product delivery. Furthermore, there is little data or evidence to suggest a stronger focus on this form of development would be required.
- 1.3.2. In that context, where higher-risk elements have been identified (e.g. where evidence and data has indicated widespread non-compliance or non-standard, more complex solutions are adopted), verifiers could seek additional evidence of compliance through proportionate means such as digital photography.
- 1.4. Do you agree that local authorities should not be able to act as verifier for their own “higher risk” building work due to possible conflicts of interest?**
- 1.4.1. No comments
- 1.5. Do you agree that local authorities should still be able to act as verifier for their own lower risk building work?**
- 1.5.1. No comments.
- 1.6. Do you agree that the roles and responsibilities of building owners and developers (including their key activities) must be clearly defined within the building standards system and recorded including the expected level of resources and skills needed to assure themselves and verifiers of compliance, and the actual level?**
- 1.6.1. Unsure. Verification services are utilised by a wide range of stakeholders with varying levels of knowledge and understanding of process. In that context, it would be helpful to clearly outline the key roles and responsibilities of those accessing verification services, removing uncertainty of what should be expected from applicants.
- 1.6.2. However, we do not believe it is necessary to mandate this within the standards and should not look to set an expectation of resource levels for a private sector entity. Reputable developers will employ or procure a competent skills base to ensure themselves, verifiers, warranty providers and investors of compliance with relevant regulations. There should be no need to above and beyond what is already commonplace within the new build sector, nor should requirements look to duplicate activities already undertaken by other regulatory regimes.

- 1.6.3. Furthermore, we would wish that the Building Standards system does not create any additional challenges for small home builders or barriers to new entrants entering the market. As part of the collaborative work HFS is undertaking with the Scottish Government to address such issues, the consents process has already been identified as a barrier to small and new businesses operating in Scotland.
- 1.7. Do you agree that the building owners and developers must, to ensure compliance, place a greater emphasis on inspection and testing throughout construction and at completion, with focus on the safety critical elements?**
- 1.7.1. No. Reputable mainstream developers will almost certainly have robust inspection and quality assurance regimes in place throughout the design, construction and handover process. In addition, most warranty providers will undertake key stage inspections throughout the build-out process and require that these buildings comply with additional industry standards. As previously stated, developers will look to employ or procure a competent skills base to ensure themselves, verifiers, warranty providers and investors of compliance with relevant regulations and on that basis, we believe that the above requirement is already addressed by the sector.
- 1.7.2. However, we must recognise that skills shortages (across many trades and professions) can bring with it quality issues. Quality and Customer Care are two themes currently being addressed by the industry on a UK wide basis through the exploration of a new homes ombudsman and the development of a unified set of standards for the industry to adhere to.
- 1.7.3. In the context that mainstream developers already provide self-assurance of compliance, it should therefore be the responsibility of the verifier to seek the appropriate evidence through testing, inspection or digital evidence to assure themselves of compliance.
- 1.8. Do you agree with the requirement for a “Compliance Plan”, to be provided by the owner or developer, to demonstrate their approach to compliance from initial design, through detailed design and construction, and leading to their final sign-off and certification of the completed building?**
- 1.8.1. No. The above proposal appears to duplicate what already exists within the Construction Compliance Notification Plan. We would argue that rather than add additional bureaucracy to the building standards system, a single compliance plan agreed by both developer and verifier would be sufficient. As such, to further minimise bureaucracy and duplication of work, consideration should be given to what construction information is already produced throughout the construction process outwith the verification system and whether fulfilling these duties is sufficient in itself to determine

compliance.

1.9. Do you agree that the building owner or developer should be required to appoint a competent professional person, with the appropriate experience and qualifications, to act on their behalf in order to assure them of compliance when they submit the completion certificate?

1.9.1. No. Given the wide ranging nature of the technical handbooks we believe it is unlikely that any single person would have the ability, knowledge and/or expertise to ensure compliance for all aspects of building design and construction. Typically, for large, complex projects, liability for each aspect of the design and construction would fall to the appointed designer and/or contractor.

1.9.2. For simpler, mainstream housing this role is undertaken by the site manager, who will sign-off the completions certificate and provide all necessary documentation to the verifier (this can vary across businesses). Site managers will usually progress from a trade discipline (although graduate programmes are also available) and will require suitable individuals to undertake significant internal and external training and qualifications to develop the competencies required to undertake this role. Site managers will have a reasonably good level of technical knowledge in their area of expertise as well as a strong awareness of what is happening on site and, importantly are actively involved in progressing the construction of buildings. In that context, we believe that they would meet the definition of a competent professional person.

1.9.3. HFS is currently exploring the development of an industry standard pathway with the Construction Industry Training Board for site managers (and assistant site managers) whereby such aspects of training and developed can be considered more fully.

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

1.10.1. Yes. HFS believe that this would be a positive step, however would require a robust definition of a higher-risk building to be agreed by stakeholders.

1.10.2. For verifiers, having pre-application discussions would be more beneficial once they are familiar with the project. In that context, it may be helpful to consider how higher-risk projects can be flagged to building control through the planning process, with verifiers engaging with developers much earlier in the process. This process would need to be clarified to not impact less critical, low-risk applications.

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

1.11.1. Yes. Feedback from our members suggests that it would be helpful to flag amendments, indicating their risk and priority. Clear definitions and rules around how these would be classified would be required. We do, however, have concerns whether local authorities would be suitably resourced to manage this process.

1.12. Do you agree that the construction procedures and guidance should be reviewed and that mandatory notifications are introduced, including notification of progress on higher risk projects?

1.12.1. No. Construction programmes can be unpredictable with developers requiring flexibility to adapt to ongoing change. That is not to say that changes in programme automatically result in non-compliance. We have concerns whether local authorities would be suitably resourced to manage rolling notifications and whether this somewhat cumbersome approach would add further delay to the verification process. We do however believe this would be a positive step and worthwhile for higher-risk building classification (not for example low-risk mainstream residential development).

1.13. Do you agree that verifiers should carry out ad-hoc (unannounced) progress inspections and be able to require disruptive surveys when mandatory notifications are not made to them?

1.13.1. No. HFS was under the impression that building control officers already have this power in relation to their ability to undertake inspections. Disruptive inspections are however never the right thing to do and should on that basis only be needed where faults are known or quality of workmanship is low.

1.13.2. We would however advocate that where there is sufficient evidence and data to indicate more widespread compliance issues, verifiers seek to use this power more readily. To avoid the need for disruptive inspections verifiers could work more collaboratively with developers, identifying key areas requiring more robust inspection based on data and evidence on common non-compliance issues. Furthermore, verifiers should consider how digital technology could be utilised to provide evidence in lieu of disruptive inspections (e.g. digital photography, CCTV etc.).

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

1.14.1. Yes. A database of recorded areas of non-compliance and feedback would be beneficial in raising standards and encourage continuous improvement. This could also be utilised to shape the development of a risk-based

approach to verification.

1.15. Do you agree that verifiers should be notified of minor changes in design as the project progresses, on the understanding that they are to be covered by an amendment to warrant before the completion certificate is submitted?

1.15.1. No. As noted in the response to question 1.12, we are concerned that local authorities would be unable to manage a rolling notification system in light of resource constraints. Furthermore, there is a need to clarify what would constitute 'minor changes' to avoid inconsistent interpretation of the regulations and the potential for delays that could impact the delivery of new homes.

1.16. Do you agree that the completion certificate for a higher risk building should have sub-sets for safety critical aspects, and be accompanied by as-built drawings and the completed Compliance Plan?

1.16.1. Unsure. As previously noted, higher-risk buildings should be flagged to verification services throughout planning stages and building control invited to engage in discussions much earlier in the process. This should provide an opportunity to identify the key construction information required for safety critical aspects as well as what information is already produced that could be used to evidence compliance.

1.16.2. In that context, we understand that this should be in place under Construction, Design and Management regulations (CDM 2015), however further consideration of this is necessary to assess where there could be aspects of duplication.

1.17. Do you agree that the procedures for the temporary occupation or use of a building should be strengthened for example requiring a declaration of compliance and monitoring of the expiry dates?

1.17.1. Yes. We understand temporary occupation has been used in where there are phased handover and occupation of larger blocks of apartments as well as where there is a failure on part of a third party, e.g. a network operator delaying connection to network infrastructure. We believe this to be the exception rather than the rule, therefore agree that procedures for temporary occupations could be strengthened to ensure compliance is met and promote best practice. However, we'd be keen to ensure flexibility is in-built to cover for unplanned events.

1.18. Do you agree that restrictions to the occupation or use of existing buildings should be considered when significant alterations are being carried out to higher risk buildings?

1.18.1. Unsure. We understand this to be a sensitive issue which requires balanced and considered thought. We believe that this could be helpful in improving stakeholder confidence, however members note that this should be implemented with some pragmatism to ensure that occupiers of existing buildings are not disadvantaged whilst alterations are being made.

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

1.19.1. Unsure. As previously noted, HFS believe that verifiers already have sufficient enforcement powers to achieve the above aim. What is lacking is the skills and resource to pro-actively enforce building regulations. We understand that the ultimate aim of the recommendations set forward by this consultation seek to make the building standards and verification system more robust and improve stakeholder confidence. In that context, we believe that verifiers could be more proactive in exercising their existing enforcement powers, however this should focus on areas where evidence and data warrants such intervention. Ultimately, enforcement and monitoring should be implemented without causing delay or significant disruption to the delivery of new homes.

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

1.20.1. Yes. As noted above, we believe that verifiers already have sufficient enforcement powers to achieve the intended aim. What is lacking is the skills and resource to proactively enforce building regulations. However HFS does agree that to improve stakeholder confidence in the system, and for consistency in implementation policy should be closely aligned with national guidance. It is vital that developers operating across Scotland can be certain that the approach taken is consistent regardless of where they are operating.

1.21. Do you agree that national guidance on building standards enforcement should include what enforcement related actions local authorities should carry out and the level of resources and skills they should have to do so?

1.21.1. Yes. National guidance should be produced to ensure there is consistency across all 32 local authorities in relation to what enforcement actions can be undertaken as well as what level of resource and skills are required to undertake those duties.

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

1.22.1. No. For responsible, reputable developers it is not the fine that deters non-compliance but the impact an enforcement notice will have on its brand and

consumer confidence. Costs stemming from delays and rectification are deemed to be punitive enough.

2. Fire Safety in Building Standards

2.1. Do you agree that the guidance should be developed to make clear that there is more than one way of achieving compliance with the mandatory functional standards?

2.1.1. Yes. The Technical Handbooks should be clear in communicating that there is more than one way of achieving compliance with mandatory functional standards. Flexibility in compliance solutions helps encourage innovation and mainstreaming of new technologies, materials and product solutions to meet the standards. In that context, reference should be made to any available supplementary guidance or professional bodies/organisations who may offer such guidance and/or services.

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

2.2.1. Yes. Homes for Scotland agrees that guidance for specialist/more complex building typologies should be published separately. Removing complexities around particular standards and drafting each using plain English where appropriate would help ensure that the principles behind each standard can be easily understood, clearer for all users, and ensure that common standards that would apply to mainstream/common buildings are fit for purpose.

2.3. Do you agree that an additional Technical Handbook for simple domestic detached and semi-detached dwellings (up to 3 storeys) should be introduced as a means of compliance with fire, and all applicable building standards and sections of the Handbooks?

2.3.1. Yes. As previously noted, HFS believes that mainstream new build housing is a relatively low-risk building typology, with compliance solutions more repetitive and standardised in use. Developing a separate Technical Handbook would help in illustrating that point and would offer the opportunity to be clearer in defining standards and compliance mechanisms. This would also provide an opportunity to develop more detailed guidance for various construction methodologies and specifications as well as provide more detailed route maps for the introduction of future standards e.g. energy standards for 2032 and 2050. We would consider it appropriate to include all low rise detached, semi-detached, terraced and flats within this handbook.

2.4. Do you agree that a national “hub” approach should be developed to share expertise and skills and be responsible for verifying fully

performance based “fire safety engineering designs”?

2.4.1. Yes, Given the limited expertise and resource available at a local authority level, we would be supportive of the establishment of a ‘national’ hub for performance-based fire safety engineering designs which would help to provide a central resource of knowledge and expertise. However, we are not certain that there are sufficient skills available to resource such a “hub” at the present time, therefore it would be helpful for the Scottish Government to consider how new skills and expertise can be developed.

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

2.5.1. Yes, HFS is supportive of the establishment of a fire engineering certification scheme, however as per question 2.4 we query whether there would be a sufficiently skilled supply of professions to undertake this role at the current time.

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

2.6.1. Yes. We understand that confusion exists with the inclusion of BS and EN test standards. Given the principle of EN standards was to override BS standards, the later should technically be withdrawn. This may require supply chains to recalibrate and test products and systems therefore a transition period should be incorporated and a timeframe developed to phase out obsolete testing standards.

2.6.2. However, decisions on removing reference to obsolete test standards should be postponed until such a time where it is clearer on what standards will be used across the UK following Brexit. Further consideration of such proposals should be revisited in 2019.

2.7. Do you agree that only A1 and A2 materials, using the European Harmonised “reaction to fire tests”, should be required for external walls or insulation exposed in a cavity of a high rise building (domestic and non-domestic) with a storey at a height of more than 11m above ground?

2.7.1. No. HFS understands that there is no evidence to indicate widespread building failures at this height, therefore lowering the limit from 18m to 11m requires further evidencing and substantiation.

2.7.2. We are aware that the scope of the proposals has the potential to have a significant impact on the sector and its supply chains, in theory limiting use of other combustible materials commonly used within the fabric of an external wall e.g. membranes, insulation, UPVC products (i.e. windows) and

roof trusses. There are concerns that this may limit the market for use of timber frame (and cross-laminate) systems as well as other modern methods of construction, which could have a detrimental impact on native supply chains, jobs, housing output, investment and other Scottish Government policies such as the growth of offsite manufacturing in construction. There are further concerns that this could limit the ability for developers to meet future energy standards which will drive improvement in u-values and airtightness.

2.7.3. Developers need to be able to access a wide range of materials to address compliance issues holistically. Fire safety is one aspect of many that must be addressed, but without availability of innovative construction products and flexibility in application it is difficult to understand how compliance can be achieved.

2.8. Do you agree that only A1 and A2 materials, using the European Harmonised “reaction to fire tests”, should be required for external walls or insulation exposed in a cavity of entertainment and assembly buildings, residential care homes and hospitals of any height?

2.8.1. No. As outlined above, the impact of such proposals could have a detrimental impact on native supply chains, jobs, housing output, investment and other Scottish Government policies such as the growth of offsite manufacturing in construction; limiting the sectors ability to develop compliance solutions.

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

2.9.1. Yes. HFS believes it is important to maintain flexibility of performance based and prescriptive testing classifications to ensure that innovation is maintained and several compliance pathways for systems and products can be explored.

2.10. Do you agree fire service activated evacuation sounders should be required in each flat in new domestic buildings which have a storey at a height of more than 18m above ground level?

2.10.1. Yes, HFS agrees with the above proposal. Smart deployment of such systems can help enable safer evacuation of a building in the event of a fire, providing clearer communications to occupants and reducing the risk associated with single escape stairways.

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

- 2.11.1. No, HFS believes that fire safety regulations should be considered more holistically and in the context of other recommendations do not believe that there should be a requirement for all new domestic buildings which have a storey at a height of more than 18m above ground level to accommodate a second stairway.
- 2.11.2. When considering managed/serviced accommodation such requirements would likely have a significant bearing on the viability of a scheme. The incorporation of a secondary stairway is likely to incur significant additional cost for a developer, not simply in terms of construction, but also in terms of reducing the usable/habitable space within a development. This requirement could reduce the viability of many smaller, urban, brownfield sites where it may be awkward or too costly to accommodate and subsequently develop.
- 2.11.3. In the case of a significant fire within a high-rise development smart use of fire service activated evacuation sounders (as proposed in 2.10) should offer safer evacuation of a building as well as minimise the risk posed by having a single escape stair.
- 2.12. Do you agree that new HMOs used for “care” 24/7 should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems?**
- 2.12.1. No comment.
- 2.13. Do you agree that new HMOs with 10 or more occupants should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems?**
- 2.13.1. No comment.
- 2.14. Do you agree that new flats should be included in the list of buildings with a mandatory requirement for automatic fire suppression systems?**
- 2.14.1. No, Whilst HFS supports the objective of reducing fire related deaths and injury of Scotland’s most vulnerable people, we do not believe there should be a requirement to install automatic fire suppression systems in all new flats. The term “flats” could encompass a wide range of building types, from three storey colony style dwellings to high-rise flats and apartments. With design, use and occupation of domestic buildings becoming more diverse, we would seek a more targeted approach to regulation which focuses upon higher-risk building typologies which we would define as: buildings where there is a high volume of people, in unfamiliar surroundings, with unpredictable behaviours in the event of an emergency.
- 2.14.2. Domestic buildings, by their very nature, tend to home people who will be familiar with their surroundings and should be aware of any means of

escape. Regulation should therefore be risk-based with greater consideration given to the specific use of the building, how the building is managed, the type of occupant and their needs in the event of a fire. Further consideration should be given to the holistic fire safety solution and the strategies employed by operators of managed/serviced buildings to evacuate occupants in an emergency.

2.14.3. Current technical standards in Scotland are well founded and the evidence to support a shift to sprinklers is limited. We agree with the findings and recommendations of previous studies that highlight the significant challenges of incorporating such solutions to what is a wide-ranging building typology, including the cost-benefit of doing so. Where recommendations propose the incorporation of automatic fire suppression within flatted developments, it does so on the provision that the most cost-beneficial solution is adopted (this is predominantly indicated to be mains-water connected sprinklers). However, experiences from the adoption of fire sprinklers in Wales have highlighted further issues around guaranteeing water flow and pressure in the event of a fire, limited the effectiveness of the most cost-effective solution. We understand Scottish Water has subsequently raised this concern in connection to introduction of fire sprinklers which could result in flatted developments having to adopt tank-based solutions which would have a significant impact on usable space and cost.

2.14.4. In that context, HFS cannot support the introduction of the above requirement as it is likely to inhibit the delivery of much needed new homes as well as limit the diversity of new building typologies coming forward.

3. Building Standards

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

3.1.1. Yes. This should be removed to align with domestic buildings.

3.2. Do you agree that exempt type 16 of building regulations should be reviewed in respect of the criteria for the erection of a temporary building and the temporary use of a building?

3.2.1. No comment.

4. Areas for Further Consideration

4.1. Do you agree with the areas identified for further consideration?

4.1.1. Yes. HFS agrees that the current building standards system needs to be reshaped in order to be fit-for-purpose for all of its many stakeholders. We believe that the system should deliver for all whilst placing greater emphasis

and focus on higher-risk buildings and safety critical elements or those where there is evidence to indicate common failure or non-compliance. The premise of developing a risk matrix of building typologies and associated high-risk/safety critical elements for verification as suggested at the Building Standards Division workshops we believe is worth further exploration due to the way this could support improvement of safety critical elements but also in terms of efficiently utilising the limited local authority resources allocated to building control.

- 4.1.2. It is recognised that the performance of some local authorities as verifiers has been in decline in recent years and in that context, we would welcome the introduction of a legislative backstop for processing deadlines. Alongside regular and transparent reporting of verifiers performance this would go part of the way to improve service delivery and reduce delays in the delivery of much needed new homes.
- 4.1.3. In relation to the building warrant fee system HFS recognise the financial constraints on local authorities and the impact this has had on core service delivery. In 2017, building warrant fees were reviewed and increased against a backdrop of resourcing concerns and a decline in performance in service by local authorities. However, local government financial statistics, published later that year, indicated that building control services returned a surplus due to increases in construction activity. What is of concern to our members is that whilst this consultation proposes a future review of warrant fees, the existing fee is not ring-fenced by local authorities to support the service they have be appointed to deliver.
- 4.1.4. This connects directly to the need to further consider the resourcing and skills required to deliver this service. HFS and its members are aware of the skills challenges facing planning and building control services which are impacting performance and as such are working with the Scottish Government through a Short-Life Working Group to help tackle the key skills inhibitors for new housing development. There are significant opportunities for local authorities to grow and develop its own resources in that regard (through Graduate Apprenticeships for example), however the building warrant fees obtained must be ring-fenced to support the development of the service rather than absorbed into wider local authority funding pots.
- 4.1.5. In advance of any future review of building warrant fees it would be helpful for there to be greater transparency around building warrant fees and how they are spent within local authorities, helping ensure that service users are getting value for money.
- 4.1.6. Finally, the nature of this consultation and recommendations has the potential to radically transform the Building Standards system in Scotland. We believe however it would have been more constructive for such

recommendations to be more widely disseminated and discussed with industry stakeholders prior to seeking views on specific proposals. HFS would have liked to have had an opportunity to discuss the future direction of Building Standards more constructively with representatives from the Scottish Government and have the opportunity to collaborate with wider stakeholders in shaping a system that is robust and delivers change that drives improvement and confidence in the service. HFS and its members would welcome the opportunity to meet with Scottish Government representatives to discuss the proposals and future direction of Building Standards more fully, and in the context of the wider built-environment services.

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

4.2.1. Yes. The Scottish Government should also consider the following: Centralisation of the Building Standards & Verification System; Balance of Risk (Starting Construction Work without Warrant Approval); and the Incorporation of a Skills Impact Assessment.

4.3. If Yes above please tell us what they are in the box below.

4.3.1. Centralisation of the Building Standards & Verification System

4.3.1.1. Building Standards and Verification Services play a vital role in the delivery of new homes in Scotland. Inefficiency and inconsistency in service provision hampers the ability of the development community to deliver much needed homes, regardless of their tenure.

4.3.1.2. In that context, consideration should be given to how the Building Standards and Verification system could be centralised around strategic regional partnerships who should be able to deliver a more efficient and consistent verification service across Scotland. A less fragmented and strategic service framework would allow for more efficient use of warrant fee income and enable bodies to invest more in the skills and resources required to deliver improvement in service provision.

4.3.1.3. Homes for Scotland has previously highlighted its concerns surrounding the poor levels of service provision across the country and called for the Scottish Government to invest more into the service to help improve performance. Furthermore, we believe that competition is an essential component to drive service improvement and, in that context, have called for the extension of service provision to be granted to private sector operators such as warranty providers who are already involved in such processes.

4.3.2. Balance of Risk (Starting Construction Work without Warrant Approval)

- 4.3.2.1. Consideration should be given to how the warrant process could be streamlined for low-risk works (such as that of low-rise detached, semi-detached and terraced housing) whereby a builder could start work on site once an application has been lodged with a local authority (rather than approved).
- 4.3.2.2. In the case where an application is submitted having previously gained STAS approval, this would not carry any additional risk for a local authority. We believe that even where a warrant is submitted without STAS, this would only reinforce that complying with the building regulations during construction should rest with the developer.
- 4.3.2.3. This should be a low-risk approach to streamlining the warrant process for developers who procure the appropriate professional resources and skills for their projects, as well as commission the appropriate specialists with the necessary skills, expertise and assurances. We believe that this approach would ensure developers take additional time to ensure compliance throughout the project, assure themselves of compliance levels and strengthen the emphasis for inspection and testing throughout construction.
- 4.3.2.4. For higher-risk developments (such as high-rise buildings) it is likely that a developer would want to wait for warrant approval to be in place prior to beginning works as rectifying issues would likely incur significant cost. Furthermore, Building Standards Division would have the ability to exclude higher-risk building typologies from such a relaxation.

4.3.3. Skills Impact Assessment

- 4.3.3.1. The proposals and recommendations set forward within this consultation (and subsequent consultations on building standards) will more than likely have an impact in terms of the availability and supply of skills to undertake new roles, responsibilities or duties.
- 4.3.3.2. Given the current issues surrounding skills shortages within the construction sector, which are noted to worsen due to an ageing workforce as well as the potential disruption from Brexit, the Scottish Government should, in addition to a Business & regulatory Impact Assessment, and Equalities Impact Assessment, endeavour to conduct a Skills Impact Assessment. This would highlight whether there would be a sufficient skills base to deliver such proposals and recommendations, and also ensure that the proposals taken forward by the Government are feasible in terms of human resource. Identification of constraints will allow colleges and universities to develop courses/modules that would help upskill the labour market to fulfil the new requirements of the regulations.
- 4.3.3.3. Homes for Scotland is currently working with the Scottish Government through an established short life working group to identify skills gaps and

requirements to support the delivery of new homes over the short, medium and long term. The skills requirements for both local authorities and developers stemming from these recommendations must be considered in full if they are to be obtainable. We would welcome the Scottish Government to consider these requirements in full and engage with the short life working group to discuss issues in more detail.

5. Impact Assessments

5.1. Are there any proposals in this consultation which impact or have implications on 'equality groups'? Choose from the following options:

5.1.1. No Comment.

5.2. Are there any proposals in this consultation which impact or have implications on 'equality groups'? Choose from the following options:

5.2.1. No Comment.

5.3. Do any of the proposals in this consultation have any financial, regulatory or resource implications for you and/or your business (if applicable)? Choose from the following options:

5.3.1. Verifiers – The potential for an expanded role and remit of verification services will require significant investment to ensure resourcing, competency and skills. Without ring-fencing fee income for such services there is potential implications for service delivery and performance resulting in reduced housing output.

5.3.2. Developers – There is significant potential for additional costs for compliance and the appointment of competent persons to certify aspects of construction at a time where there is limited skills availability. The Government must consider what impact additional costs of regulations will have on the delivery of new homes to meet growing demand for housing in Scotland.

5.4. Do any of the proposals in this consultation have any financial, regulatory or resource implications for you and/or your business (if applicable)? Choose from the following options:

5.4.1. No comments.

Prepared by:

Michael Barton-Maynard
Policy Manager
m.barton-maynard@homesforscotland.com

Homes for Scotland
5 New Mart Place
Edinburgh
EH14 1RW
Tel: 0131 455 8350
Fax: 0131 455 8360
Email: info@homesforscotland.com
Web: www.homesforscotland.com
Twitter: @H_F_S