

Building Regulations – Compliance and Enforcement

Analysis of consultation responses

Final report

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Executive Summary

About the consultation

1. The Scottish Government undertook a consultation¹ between 11 November 2021 and 9 February 2022 to seek views on the introduction of a Compliance Plan Manager (CPM) role on new buildings which can be defined as High Risk Buildings (HRBs). The consultation also sought opinion on whether there should be a requirement to appoint a CPM on existing buildings that would fall within the scope of the HRB definition where they are being created by a conversion or in situations where these types of buildings are being altered or extended.
2. The four parts of the consultation were as follows:
 - Part 1: Creation of a new Compliance Plan Manager (CPM) oversight role on High Risk Building types on behalf of the Relevant Person (normally the owner or developer);
 - Part 2: The definition of High Risk Buildings requiring a CPM;
 - Part 3: Level of penalties/fines relating to enforcement action under the building standards system; and
 - Part 4: Impact assessments.
3. Pye Tait Consulting was commissioned to undertake the consultation analysis and a summary of the main findings are set out below.

Creation of a New Compliance Plan Approach

4. 82% of respondents agree with the CPM role as outlined in Annex B of the consultation document, on projects for all High Risk Buildings (HRBs). They believe this will help to ensure greater compliance with the building regulations, including better compliance in the case of HRBs; a marked improvement in safety for all building occupants; and improvements to the current construction and approval process.
5. 88% agree that the CPM role should be independent of the contractor. They feel this would mitigate any possible conflict of interest. Others emphasised that the role should be coupled with greater efforts to improve the responsibility and processes of the developers, contractors and builders.
6. 85% agree that the CPM needs to be appointed no later than pre-application stage for all HRB projects. This will help to ensure compliance through the design stage; a better understanding of the requirements of the project; and enable the CPM to understand the most significant areas of risk as soon as possible.

¹ Consultation documents are available online: [Building regulations - compliance and enforcement: consultation](#)

7. 89% agree that a standardised competency framework for the CPM role should be developed by professional bodies/industry. This, it is felt, will ensure high standards and consistency across Scotland.

High Risk Building Types

8. 83% agree that a domestic building or residential building higher than 11 metres should be defined as a HRB. This is mainly for fire safety reasons and the importance of mitigating such risks; and that it is key to consider ease of access to the fire rescue services and the availability or reach of rescue equipment.
9. 74% agree that educational establishments (schools, college and universities), community/sport centres and non-domestic public buildings under local authority control should be defined as a HRB. Many believe that due to the heavy use of these building types, they should be classed as high-risk. This is on the basis that they are often occupied to maximum capacity with members of the public, which can include young and/or vulnerable people.
10. 96% agree that hospitals should be defined as HRBs. Many note that hospitals typically have a high occupancy, including vulnerable members of the public with reduced mobility; furthermore that such buildings are visited by people unfamiliar with the structure and layout, which poses an additional risk in the event of an evacuation caused by a fire.
11. 96% agree that residential care buildings should be defined as HRBs for similar reasons as with hospitals.
12. Views are divided as to whether low-rise volume house building sites should be defined as a HRB, with 36% agreeing, 39% neither agreeing nor disagreeing, and 24% disagreeing.
13. 86% agree that where a building falls into one of the defined HRB categories either by conversion or where an existing HRB is being altered or extended, that these building types should follow a strengthened Compliance Plan regime and require a CPM to be appointed. Respondents make the point that the process of a large conversion or alteration introduces a significant risk to a building and as such should be treated as comparable to the risks associated with new builds. According to respondents, this is especially the case if the work done is complex, causes the building to become part of a higher risk category or requires a building warrant.

Enforcement

14. 84% confirmed that they have a view on the introduction of a new enforcement power for local authorities to take action on non-compliant work after the acceptance of the completion certificate. Approximately half (38 respondents) expressed general agreement with the idea. Just under half (27) argued that such powers should not be the responsibility of local authorities, but a matter between the building owner and contractor.
15. 76% confirmed that they have a view on the level of fines for non-compliance with the building regulations. A total of 29 respondents share the view that fines should

serve as a means of encouraging compliance and deterring non-compliance; furthermore that fines should be proportionate to such factors as the risk they carry, project value, type of compliance requirement that has been breached, and scale of the intervention needed to fix the problem. A minority of others expressed concern that current fines are too low.

16. Similar views were echoed on the level of fines for non-compliance with HRBs.

Impact Assessments

17. 8% feel that proposals in the consultation would impact or have implications on equality groups. Four said there could be an impact specifically for women, those with disabilities, ethnic minorities and those from lower socio-economic backgrounds. Two anticipate a positive impact on vulnerable groups due to greater protection provided from fire and other safety risks.

18. 63% believe the proposals would have financial, regulatory or resource implications for them and/or their business. Over half mentioned the possibility of increased resources and/or higher skills demand for design teams and verification teams; as well as increased staffing and project costs. A minority of others mentioned positive impacts in terms of improving compliance; ensuring safety; improving building skills and methods; and reducing the need for inspection and enforcement in the long run.

1. Introduction

1.1 Background to the consultation

1. In recent years, the UK has fallen victim to avoidable tragedies that experts note could have been prevented if appropriate building regulations and standards had initially been followed.
2. In January 2016, a storm caused an external wall to collapse at Oxfangs Primary School. While, fortunately, there were no casualties, some 17 schools across the city that were built as part of the same public private partnership scheme were forced to temporarily close in order to undergo building inspections. Some 7,600 school children were directly affected.
3. The subsequent independent inquiry identified fundamental defects that had led to the structural deterioration of the wall. The inquiry noted that the faults were not just made by a lone bricklayer but also by those inspecting the faulty work. Further investigations into buildings owned by the City of Edinburgh Council in 2018 revealed that out of 154 properties assessed, 19 (including schools, libraries, community centres and care homes) had the similar faults as those contributing to the incident at Oxfangs Primary School.
4. Soon after in June 2017, the Grenfell Tower fire struck in London, resulting in the loss of 70 lives and heralded as the worst residential fire since the Second World War. Following this tragic event, a public inquiry was instigated, which was separated into two phases. The first focused on the factual narrative of the events leading up to the night of the fire, while the second examined the specific causes of the events, including negligence that led to the condition of the tower allowing the fire to spread. This phase of the investigation is still ongoing.
5. In wake of these events, a Ministerial Working Group (MWG) on building and fire safety was convened by the Scottish Government to oversee regulations and guidance, reviews of building and fire safety frameworks and all other related matters, with the sole intention of protecting the public and ensuring a high level of safety within all buildings in Scotland.
6. As part of this, two expert panels were established to consider separate aspects of Scottish building standards safety.
7. The Review Panel on Fire Safety (reporting in June 2018)² concluded that the status and limitation of existing guidance needed to be made clearer. This panel also proposed changes to some standards, including recommending the extension of automatic fire suppression systems to additional building groups, and reducing the height at which certain building restrictions are enacted, from 18m to 11m.
8. The Review Panel on Building Standards Compliance and Enforcement (also reporting in June 2018)³ considered matters relating to compliance and

² The Scottish Government (2018) Report of the Review Panel on Fire Safety. Available online: [Review Panel on Building Standards \(Fire Safety\) in Scotland: report](#)

³ The Scottish Government (2018) Report of the Review Panel on Building Standards Compliance and Enforcement. Available online: [Building standards compliance and enforcement review: report](#)

enforcement, and explored the strengths, weaknesses, and potential changes that could be made. This panel was chaired by Professor John Cole, who also chaired the Independent Inquiry into the Construction of Edinburgh Schools.

9. The panel concluded that the existing system in Scotland has several strengths – not least of which is the pre-emptive aspect to obtain a building warrant, which was recognised and commended in Dame Judith Hackitt’s report following the Grenfell Tower tragedy. However, the panel’s report noted shortcomings and made several recommendations around the need to strengthen compliance and enforcement. One key priority was to rebalance resources from checking compliance at design stage to checking compliance of actual construction.
10. Within the report, over a dozen recommendations were presented to the Scottish Government for consideration. In 2018, the Scottish Government then launched a consultation⁴ focusing on the review panel’s recommendations to obtain views and opinions of stakeholders relating to building and fire safety regulatory frameworks.
11. The main aims of the consultation were to review the roles and responsibilities of individuals undertaking verification, inspection and certification of building work in order to strengthen enforcement of building regulations; and to examine specific fire safety standards relating to external cladding, escape routes, sprinkler provision, and the proposal of a central hub for verifying complex fire engineered solutions, especially in terms of high-rise domestic buildings. Pye Tait Consulting was commissioned to undertake the consultation analysis and associated report⁵.
12. The formation of the Building Standards Futures Board in 2019 is leading and directing an ambitious programme of work. This is being delivered through seven work streams of which the Compliance Plan is one. To support the work stream a Working Group was set up in October 2020.
13. Work to date aims to strengthen the building standards system by adding additional requirements. These include the proposed introduction of a new Compliance Plan Manager (CPM) role to manage the Compliance Plan. CPM responsibilities would include overseeing projects from start to completion. The proposed CPM role would only apply to High Risk Building Types (HRBs). It would also look to strengthen enforcement measures by considering the use of fines and penalties for offences.

1.2 About this consultation

1. The Scottish Government undertook a consultation⁶ between 11 November 2021 and 9 February 2022 to seek views on the introduction of the CPM role on new buildings which fall within the HRB definition. The consultation also sought opinion on whether there should be a requirement to appoint a CPM on existing buildings that would fall within the scope of the HRB definition where they are being created

⁴ The Scottish Government (2018) Building Standards Compliance and Fire Safety: a consultation on making Scotland’s buildings safer for people. Available online: [Making Scotland's buildings safer for people: consultation](#)

⁵ Pye Tait Consulting (2018) Building Standards Compliance and Fire Safety Consultation: Analysis report. Available online: [Building Standards Compliance and Fire Safety Consultation Analysis Report](#)

⁶ Consultation documents are available online: [Building regulations - compliance and enforcement: consultation](#)

by a conversion or in situations where these types of buildings are being altered or extended.

2. Respondents were invited to provide their views on specific aspects of the proposals by responding to an online consultation questionnaire.
3. The four parts of the consultation are as follows:
 - Part 1: Creation of a new Compliance Plan Manager (CPM) oversight role on High Risk Building types on behalf of the Relevant Person (normally the owner or developer);
 - Part 2: The definition of High Risk Buildings requiring a CPM;
 - Part 3: Level of penalties/fines relating to enforcement action under the building standards system; and
 - Part 4: Impact assessments.

1.3 About this report

1. The Scottish Government commissioned Pye Tait Consulting to analyse and report on all responses received to the consultation in order to identify the key themes and arguments raised by respondent groups in an objective, considered and representative manner.
2. The findings will support the Scottish Government to help ensure the health, safety and welfare of people in and around Scotland's buildings and to further the conservation of fuel and power and further the achievement of sustainable development.

1.4 Profile of respondents

1. A total of 91 responses were received to the consultation, comprising 36 answering as individuals and 55 answering for/on behalf of their organisation.
2. A breakdown of organisational respondents is summarised in Table 1, below. This is based on 50 organisations that selected their organisation type as part of the consultation questionnaire.

Organisation Type	No. respondents
Local Authority	19
Professional Body	4
Contractor/Developer	2
Designer/Consultant	5
Academic Body	0
Industry Association/Manufacturer	6
Commercial Organisation	0
Voluntary Organisation	2
Housing Provider/RSL	1
NDPB/Agency	1
Advisory Body/Committee	1
Other	9

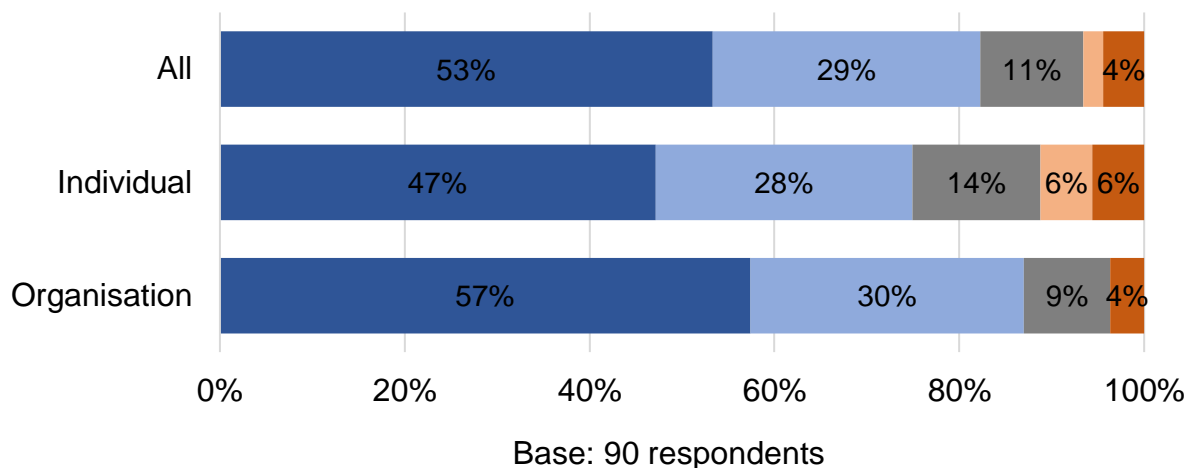
3. Those classifying themselves as 'Other' include three membership bodies; two fire-related organisations; a public sector procurement organisation; health body; new home warranty provider; and a community group representing a high-rise residential block of flats.
4. Within this report, a summary of responses to the consultation questions is presented systematically (question-by-question) to inform onward decision-making in each of the targeted areas. Based on the number of consultation responses received, breakdowns of responses to Likert-scale and multiple-choice (yes/no/don't know) questions are segmented according to two broad categories only: individuals and organisations.
5. Percentage labels on charts are only shown where the value is 4% or higher. This ensures the charts are clearly presented.

2. Creation of a New Compliance Plan Approach

2.1 Compliance Plan Manager (CPM) role

1. The majority of respondents (82%) agree with the CPM role as outlined in Annex B of the consultation document, on projects for all High Risk Buildings (HRBs). The strength of agreement is marginally stronger among organisations compared with individuals (Figure 2.1).

Figure 2.1 Agreement with the CPM role as outlined in Annex B



■ Strongly agree ■ Agree ■ Neither agree nor disagree ■ Disagree ■ Strongly disagree

2. The most prominent reason for agreeing with the CPM role (mentioned by 39 respondents, including 29 organisations) is ensuring greater compliance with the building regulations, including better compliance in the case of HRBs.

“We agree with the role as a positive step towards compliance, ensuring building and fire safety standards are identified at an early stage in the construction process, and [that buildings are] constructed with evidence that standards have been met.” – Organisation

3. A total of 13 respondents feel that the CPM role would lead to a marked improvement in safety for all building occupants; and improvements to the current construction and approval process.

“I strongly agree [with the CPM role] – to improve life safety, property protection and confidence in workmanship by increasing the likelihood of HRBs being constructed in line with building regulations and associated approved designs” – Individual

4. Additionally, nine respondents would like to see the CPM role have the authority to enforce compliance with the regulations. This, they feel, would lead to stronger improvements in the building process.

“I agree with the CPM role as detailed in Annex B on projects for all HRBs. With increased demands for eco-compatibility of buildings, the need to reduce energy expenditure and minimise the release of global warming pollutants, it is essential that the role should have both the impact and the authority to enforce improved behaviour on the part of building contractors.” – Organisation

5. A small number of those agreeing (seven) raised the point about professional indemnity (PI) insurance and questioned how this would be put in place for the CPM, especially as this is often held by an employer rather than employee. Reference was made to problems for developers in England obtaining PI insurance following the Grenfell Tower fire, which would presumably need to be overcome for the CPM.
6. Seven respondents would like to see further detail about the role’s competency, accountability and insurance requirements, noting that the CPM would need sufficient knowledge of the process to interrogate design choices and determine compliance.

“We strongly agree that a CPM should be required on projects for all HRBs... However, the effectiveness of the role will be dependent on the specifics [that would need to be set out] in a CPM Compliance Plan Handbook, CPM competences (including qualifications and experience) and CPM accountability (including professional indemnity cover requirements).” – Organisation

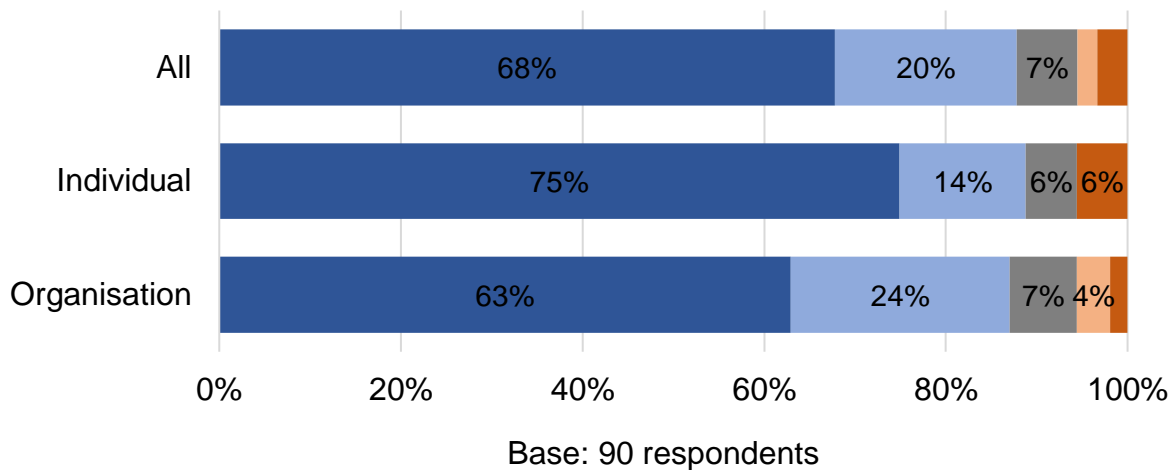
7. Among the minority of respondents neither agreeing nor disagreeing, three said that there appears to be overlap between the proposed CPM role and the current Clerk of Works role and that clarity would be needed on the differences between the two. These respondents would want to see a Handbook for the CPM in order to agree. One organisation expanded on this by saying that they understand the new role would introduce a “robust approach”, but that further clarity would be needed on the interplay with existing responsibilities, such as design and construct safety under the Construction (Design and Management) Regulations 2015.
8. Of the small minority of respondents disagreeing with the CPM role, three (all individuals) believe the local authority building standards services should be funded to undertake more detailed inspection regimes and there were concerns that the CPM role might increase costs for developers. It is worth noting that this alternative approach could have resourcing implications for local authorities and a possible knock-on impact on building warrant/completion certificate fees.

“I disagree with the premise of the proposal. We need a properly funded building standards [operation] with a defined professional career path for Building Standards Officers. We need such professionals, without commercial interests from the private sector, acting in the public interest. This should be funded by warrant fees that reflect the work that needs doing.” – Individual

2.2 Independence of CPM role from contractor

1. The vast majority of respondents (88%) agree that the CPM role should be independent of the contractor. The strength of agreement is marginally stronger among individuals compared with organisations (Figure 2.2).

Figure 2.2 Agreement with the CPM being independent of the contractor



■ Strongly agree ■ Agree ■ Neither agree nor disagree ■ Disagree ■ Strongly disagree

2. A total of 73 respondents provided additional comments. Many (29, including 20 organisations) favour the independence of the CPM role for mitigating any possible conflict of interest. Otherwise, according to these respondents, there could be situations where a contractor chooses a particular CPM who might be most likely to “pass” the work; or where a CPM may want to protect their own employment by not “condemning” their own organisation’s work.

“The importance of the role requires that it be independent of the contractor to ensure transparency and avoid any conflict of interest. The well-publicised issues of incidents with the approved inspector system in England and Wales should be avoided. [Independence] would also likely be required as part of any chartered membership of the CPM.” – Organisation

3. A smaller number of respondents agreeing with the proposal, emphasised that the role should be coupled with greater efforts to improve the responsibility and processes of the developers, contractors and builders.
4. Several respondents mentioned the importance of clearly defining what is meant by ‘independent’ and emphasised that this should not detract from efforts to improve the responsibility and processes of the developers, contractors and builders themselves.
5. Four respondents believe the role would be best placed as a local authority or Government role to ensure a suitable level of separation between the contractor and the CPM.

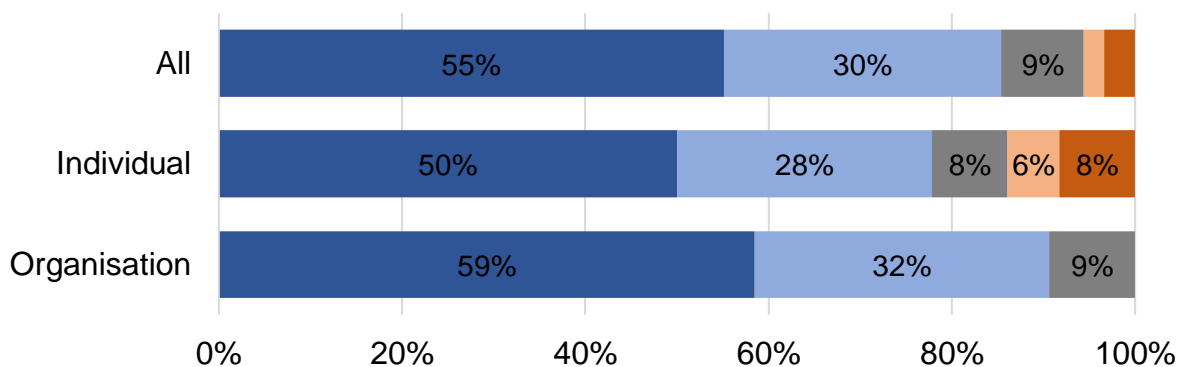
6. Two respondents questioned whether the independent role may be difficult to recruit for or fund, especially given the need, in their view, for a high degree of competency to carry out the responsibilities effectively.
7. One organisation agrees in principle that the CPM should be independent of the contractor but feels that it might be possible for sufficient safeguards to be incorporated into the competences and accountabilities of a CPM that would allow a degree of connection with the contractor. This, it is felt, could increase the number of suitably qualified, competent persons, should such a need arise.
8. Six respondents neither agreeing nor disagreeing that the role should be independent of the contractor, asserted that the role could be reasonably carried out by members of the contracting team. Two said that as the Responsible Person is already legally responsible for compliance with the building regulations, it ought to be their choice as to whether the CPM should be independent.
9. Of the minority of respondents disagreeing with the proposal, three believe that responsibility should be placed on the contractor rather than requiring a dedicated role; or that the contractor should be involved in “hiring” the role. One feared that an independent role could lead to project delays due to lack of control over CPM timescales and actions.

“We are a developer that holds many professionally qualified roles in-house. We believe this gives us the very best approach to ensuring compliance across our business and develop skills and knowledge specific to our activities. For example, our Health and Safety is all managed internally and we perform well in audits and wider industry benchmarking. We believe that CPMs should be able to be employed by contractors/developers (should they wish to) to ensure compliance within their projects and wider business practises.” – Organisation

2.3 Timing of CPM appointment on HRB projects

1. The vast majority of respondents (85%) agree that the CPM needs to be appointed no later than pre-application stage for all HRB projects. The strength of agreement is marginally stronger among organisations compared with individuals (Figure 2.3).

Figure 2.3 Agreement that the CPM should be appointed no later than pre-application stage for HRB projects



Base: 89 respondents

■ Strongly agree ■ Agree ■ Neither agree nor disagree ■ Disagree ■ Strongly disagree

2. A total of 70 respondents provided reasons for their answer. Overall, 31 asserted that the earlier the appointment of the CPM, the better. This includes ensuring compliance through the design stage (30 respondents); having a better understanding of the requirements of the project (12 respondents); and enabling the CPM to understand the most significant areas of risk as soon as possible (six respondents).

“The CPM needs to be involved from a very early stage in the project so that he/she is aware of all the key design and the potential contentious issues. He/she also needs to understand the developing construction plan so that verification interventions can be built into the plan.” – Organisation

3. Some concerns were raised (four respondents) that if the appointment was later than the pre-application stage, the CPM might not necessarily have full appreciation of the project and its potential risks. Furthermore, implementing changes later in the process could lead to costly delays that could be avoided if the CPM was included from the beginning.

“Many aspects of safe design, when incorporated early in the project timeline, can be achieved with maximum effect and minimum disruption. An experienced CPM can assist designers to meet the objectives of Fire and Structural Safety from the outset and avoid costly changes later in the project timeline.” – Organisation

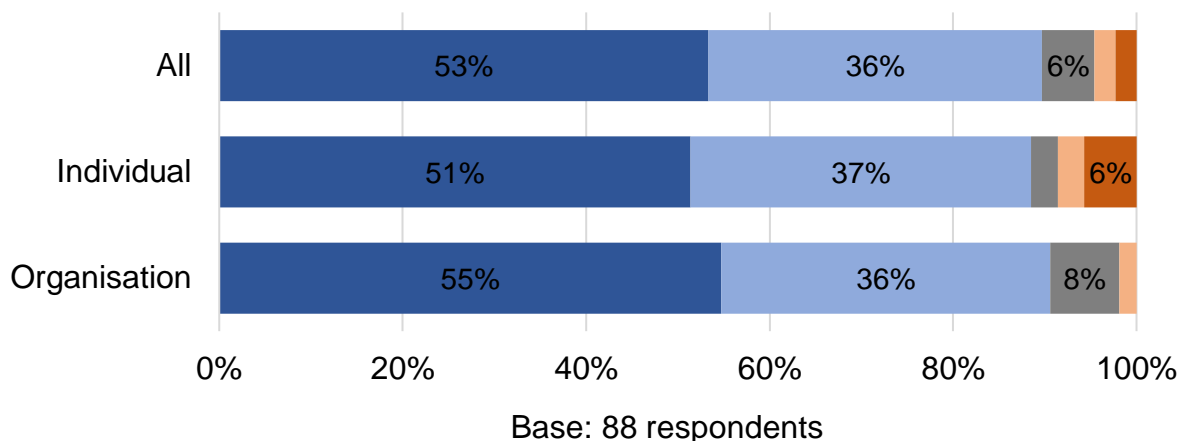
4. Eight respondents neither agreeing nor disagreeing with the proposal, acknowledged that involving a CPM early in the process would be beneficial but not essential – especially if the CPM were to be given a full briefing upon joining the project. One respondent questioned whether it would be realistic to arrange the CPM at pre-application stage, which it is felt would largely depend on the project type.
5. Among the small minority of respondents disagreeing with the proposal (all individuals) three believe the appointment could be made once the application has been submitted (and approved, in one case). Two of these respondents reiterated their stance that the CPM is not needed.

“It needs to be a part of the building warrant process and be administered by the building standards service. A project plan should be established by the case officer when a warrant application is submitted.” – Individual

2.4 Standardised Competency Framework for the CPM Role

1. The vast majority of respondents (89%) agree that a standardised competency framework for the CPM role should be developed by professional bodies/industry. The strength of agreement is marginally stronger among organisations compared with individuals (Figure 2.4).

Figure 2.4 Agreement that a standardised competency framework for the CPM role should be developed by professional bodies/industry



■ Strongly agree ■ Agree ■ Neither agree nor disagree ■ Disagree ■ Strongly disagree

2. A total of 68 respondents provided additional comments.
3. Overall, 36 are of the view that a competency framework should be developed by relevant professional bodies to ensure high standards and consistency across Scotland. Without that, it is felt that the CPM role could easily be called into question or undermined.
4. Respondents added that standardising the framework would enable the CPM role to deliver against expectations. One respondent suggested that the framework be applied to applicable higher education qualifications. Another feels that the Scottish Government should have direct input to, and oversight over, the development of the competency framework to ensure it is fit for purpose.

“If a standardised competency framework is to be of value to the construction sector, it must be created and developed by an appropriate professional body.” – Organisation

5. A further 14 respondents said that some form of accreditation or qualifications should form part of the competency framework to establish a CPM’s competency. Two of these respondents added that there should be regular updates to these qualifications to reflect changes, for example in environmental regulations.
6. One respondent made the point that there should also be formal procedures for removing CPMs that fail to demonstrate they are maintaining relevant standards.

“The effectiveness of the CPM role will be dependent on the specifics of the yet-to-be-developed CPM Compliance Plan Handbook, CPM competences (including qualifications and experience) and CPM accountability (including indemnity cover requirements). Based on experience of the competence work being undertaken in England, we believe professional bodies and industry are well placed to develop the CPM competence framework.” – Organisation

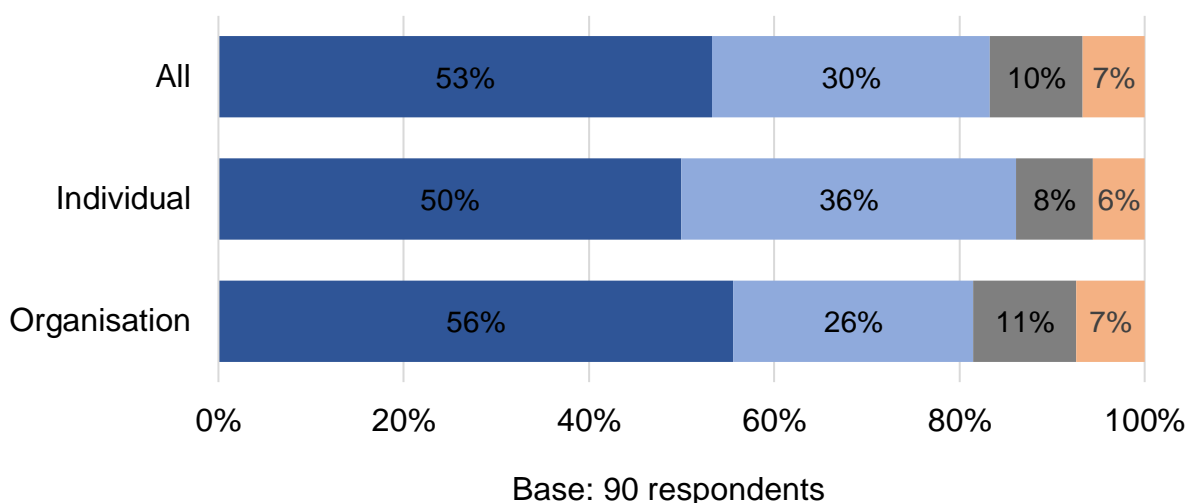
7. Of those respondents neither agreeing nor disagreeing, two consider the Scottish Government to be best suited to leading the development of the framework. One believes it should be part of the statutory compliance officer's duties; while another believes the role would be too varied to be represented by a competency framework.
8. Of the few respondents disagreeing with the proposal, these mainly relate to the part of the question about who should develop the framework rather than whether a framework should be developed per se. One respondent said that the Scottish Government should develop the framework; while another believes that existing professional bodies should not run nor administer the role, but a newly established professional body to manage the training, competence and professional standards of the CPM.

3. High Risk Building Types

3.1 Domestic or residential buildings higher than 11 metres

1. The vast majority of respondents (83%) agree that a domestic building or residential building higher than 11 metres should be defined as a HRB. The strength of agreement is marginally stronger among organisations compared with individuals (Figure 3.1).

Figure 3.1 Agreement that a Domestic Building or Residential Building higher than 11 metres should be defined as a HRB



■ Strongly agree ■ Agree ■ Neither agree nor disagree ■ Disagree ■ Strongly disagree

2. A total of 58 respondents provided reasons in response to this question. Many respondents (21, including 13 organisations) agree with the 11-metre proposal for fire safety reasons and given the importance of mitigating risks. This includes evacuation in the event of a fire, with lessons to be learned in wake of the tragic Grenfell Tower incident that remains in people’s minds. It is therefore key to consider ease of access to the fire rescue services and the availability or reach of rescue equipment.

“Fires in purpose-built blocks of flats are more likely to experience firefighting delays than other dwelling types. A high-rise flat fire is over six times more likely to experience a delay to the start of firefighting because it takes time to assemble sufficient manpower and organise the support for the team attacking the fire. These delays increase the likelihood of fire spread, resulting in the need for evacuation, rescue, and the risk of casualties and fatalities, requiring still more resources, management and manpower.” – Individual

3. Another risk mentioned by ten respondents is of a fire occurring at night, which adds to the difficulty instigating an evacuation at speed when people are sleeping.
4. A further 13 respondents agree with the proposed classification as they feel it will increase building standards and quality, and potentially alleviate or address workmanship issues that historically have been found in domestic and residential buildings.
5. They note that if these height-based parameters were to be used, a greater number of buildings would benefit from additional safety considerations (for example relating to fire safety and cladding) and with better consistency in design and construction and increased confidence among building users.

“This proposal will require a much greater number of residential buildings to meet the CPM requirements and ensure that more new build residential dwellings are built to a higher standard of quality control.” – Organisation

6. However, whilst they fully agree with the HRB definition, 12 respondents believe that other building types should also be included within the definition for risk mitigation purposes. These include multi-tenanted buildings, hotels, student accommodation and hospitals.

“In determining the buildings which fall into the category of HRB, a risk factor approach may be more appropriate, instead of a 'yes' or 'no' tick box.” – Organisation

7. Ten respondents neither agree nor disagree with the proposal, while six disagree. Across these groups 12 gave their reasons.
8. Among those neither agreeing nor disagreeing, five said they do not have enough information on the rationale of setting 11 metres as the threshold. One organisation added to this, noting that co-operative discussions should be held prior to a decision being made in order to encourage a consistent approach to applying the regulations across the UK.
9. Of the respondents disagreeing with the proposal, three stated that all buildings have the capacity to be high risk regardless of their height; furthermore that construction negligence is possible in all structures and if a CPM is put in place in the future, then the remit should cover all buildings and not just those over 11 metres high.

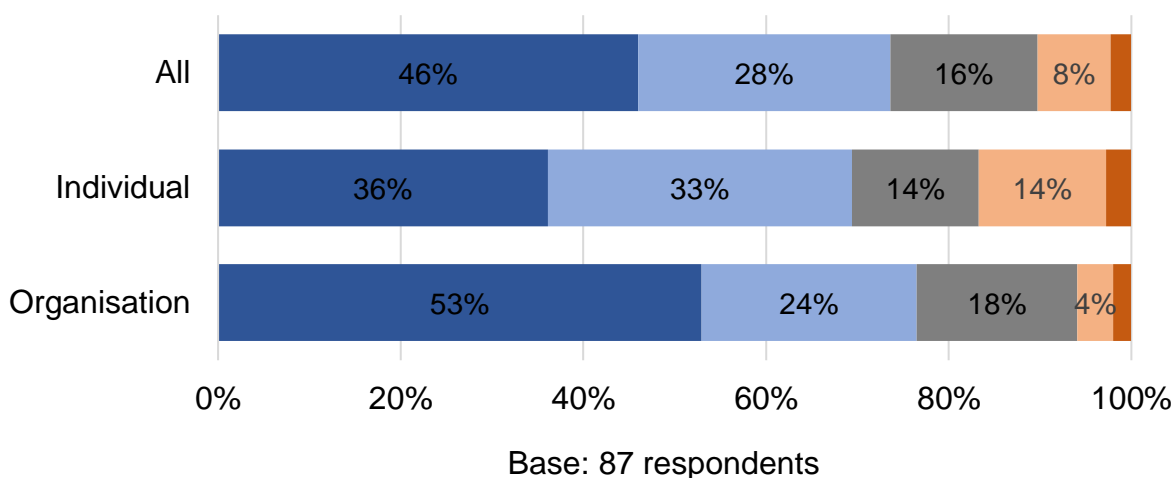
“This is a simplistic view of what it means to be high risk. For example, a shorter building that relies on several key components, say transfer beams, could be riskier than a taller building with a more robust form of construction. There needs to be a more nuanced approach developed.” – Individual

3.2 Educational, community, sport and non-domestic public buildings under local authority control

1. Almost three quarters of respondents (74%) agree that educational establishments (schools, college and universities), community/sport centres and non-domestic public buildings under local authority control should be defined as a HRB. The

strength of agreement is marginally stronger among organisations compared with individuals (Figure 3.2).

Figure 3.2 Agreement that educational, community, sport and non-domestic public buildings under local authority control should be defined as a HRB



■ Strongly agree ■ Agree ■ Neither agree nor disagree ■ Disagree ■ Strongly disagree

2. A total of 74 respondents provided reasons in response to this question. Many respondents who agree with this proposal (24) believe that due to the heavy use of these building types, they should be classed as high-risk. This is on the basis that they are often occupied to maximum capacity with members of the public, which can include young and/or vulnerable people. As such, these respondents feel that to safeguard the public from issues caused by non-compliance (notably fire risks), these buildings should be more stringently monitored and defined as HRBs.

“These buildings generally have a high occupancy with different types of users and as such all efforts should be made to ensure compliance during construction.” – Organisation

3. Several respondents (15) note in addition to this that a greater level of scrutiny should be applied to such public building projects, pointing out that construction and compliance requirements are not currently as strict as for residential buildings.

“These building types don't often change hands/ownership and are prone to less scrutiny by independent parties compared to commercial buildings such as retail/commercial buildings. Therefore, these building types should be subject to a Compliance Plan to increase the level of scrutiny on construction workmanship and improve property protection.” – Individual

4. A further eight respondents commented that educational establishments, community/sport centres and non-domestic public buildings are all greatly important to communities and the local economy, meaning that an incident such of a fire would have significant social and environmental impact.

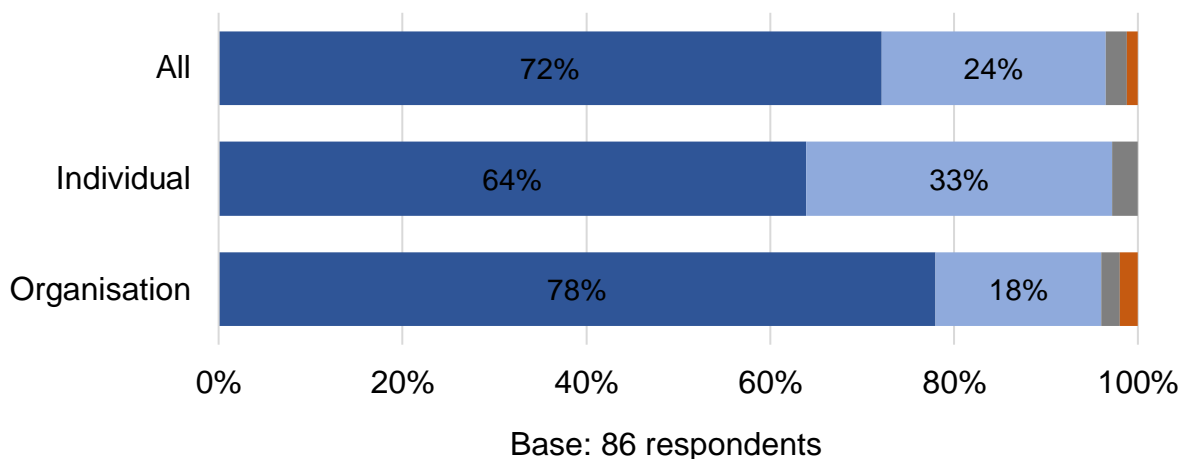
“The loss of these buildings due to fire, structural or other damage causes significant, long-lasting damage to education provision, negatively impacts communities and causes environmental damage.” – Organisation

5. However, six respondents, whilst agreeing with the HRB definition, raised additional considerations. These include:
 - Smaller buildings that fall into these categories which have no public access could be excluded from the HRB classification (i.e. administrative offices);
 - The buildings proposed should only be included if they are over 11 metres tall (and the HRB definition should apply to new builds, significant extensions and high value works); and
 - Classifying such buildings as HRB may lead to unintended consequences, such as increases to insurance premiums.
6. Of the 14 respondents who neither agree nor disagree with the proposal, six mentioned a number of other considerations to potentially factor in. These include: the location of the buildings/facilities; building size; occupant numbers; specific risks within the existing buildings; whether or not buildings that are under 11 metres high (e.g. libraries) should fall under the HRB definition; and what the words “control” and “interest” mean in the context of these buildings, i.e. what would be the case if a public body was to lease an office in a building that would otherwise not be classed as an HRB.
7. A total of nine respondents explained their disagreement with the proposal, arguing that either the buildings suggested are not all high risk, or other parameters should be defined specific to these building types to delimit the classification.

3.3 Hospitals

1. Respondents were then asked if they agreed that hospitals should be defined as HRBs. Almost all (96%) agree, with the strength of agreement marginally stronger among organisations compared with individuals (Figure 3.3).

Figure 3.3 Agreement that hospitals should be defined as HRBs



■ Strongly agree ■ Agree ■ Neither agree nor disagree ■ Disagree ■ Strongly disagree

2. A total of 73 respondents provided reasons in response to this question. Many (25, including 17 organisations) note that hospitals typically have a high occupancy, including vulnerable members of the public with reduced mobility; furthermore that such buildings are visited by people unfamiliar with the structure and layout, which poses an additional risk in the event of an evacuation caused by a fire. These respondents argue that risk to life is significant, thereby establishing grounds for hospitals being classified as HRBs.

“[There is an] extremely high level of risk in the event of fire or collapse, where patients cannot be evacuated or could be seriously harmed if evacuation is necessary. Any evacuation would [therefore] need to be heavily controlled and could not be done safely or rapidly. The policy for all hospitals should be prevention, followed by early detection and rapid response to prevent major incidents from ever occurring.” – Individual

3. Additionally, 19 respondents expressed concerns that the scale, bespoke designs and complexities of hospital structures and/or buildings means there is an increased level of risk for construction failures and non-compliance. They believe that classifying hospitals as HRBs would mitigate potential risks and address any workmanship issues within the build process.

“The scale and complexity of hospital projects, and the consequences of compliance failures in such facilities, means they must definitely be HRBs.” – Organisation

4. Ten respondents furthered this point by noting the impact on communities and the local public would be severe if a hospital was lost due to fire. The wider community healthcare system would be harmed and the effect would be detrimental to many people reliant on care.

“Most hospitals provide a specific level of care or service provision which isn't replicated locally. The loss of a hospital, or part thereof [would] have wide-

ranging consequences, particularly in more rural areas. Larger, single site hospitals provide services for a much larger community area and the loss again would be catastrophic.” – Individual

- Five respondents suggest expanding the definition of HRBs to include wider critical care facilities such as nursing homes, treatment centres etc.

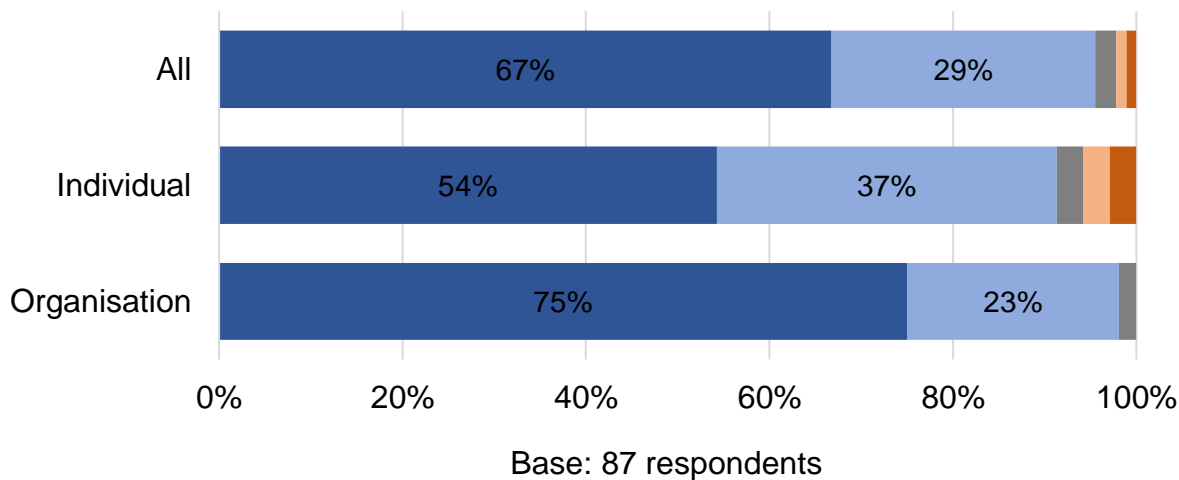
“We support this additional assurance process within hospitals and believe that, due to the complexities of all NHS Buildings and our commitment to care for all staff and patients, the process should be applied to a broader range of health care buildings.” – Organisation

- Three respondents ambivalent to or against the proposal mentioned that healthcare buildings already undergo their own preventative risk mitigation for fire, and HRBs should therefore only comprise be high-rise buildings. This would mean not all hospitals falling under the category of high risk.

3.4 Residential care buildings

- Again, almost all respondents (96%) agree that residential care buildings should be defined as HRBs. The strength of agreement is marginally stronger among organisations compared with individuals (Figure 3.4).

Figure 3.4 Agreement that residential care buildings should be defined as HRBs



■ Strongly agree ■ Agree ■ Neither agree nor disagree ■ Disagree ■ Strongly disagree

- A total of 71 respondents provided reasons in response to this question. Fifteen respondents made the point that residential care buildings are often exclusively occupied by vulnerable people with limited mobility. In the event of an incident or disaster, these individuals would not be able to easily self-evacuate.

“By their very nature, these facilities house people who are vulnerable... therefore strong fire safety measures are essential. As such the design and construction of these residential care buildings should be a matter of [utmost] scrutiny.” – Organisation

3. Ten respondents (including eight individuals) emphasised that residential care buildings and nursing homes are vital to communities and should be closely protected. One respondent believes that the community impact if a facility was lost (i.e. due to a disaster or fire) would be significant. Furthermore, since care homes are a finite resource and often at maximum capacity, there would be little room for patient overspill elsewhere.

“These high-risk buildings are particularly vulnerable due to their function and the make-up of their occupation, particularly with respect to occupants’ limited ability to self-evacuate in the event of a fire. Furthermore, in addition to life safety considerations, the loss of these buildings due to fire, structural or other damage causes significant, long-lasting damage to the health and well-being of our communities.” – Organisation

4. Some respondents (15) made the point that due to their complex structures, it is essential to ensure construction and workmanship on these buildings are to a high standard in order to mitigate errors and negligence.

“Given the additional regulation and fire safety measures residential care buildings require, it would seem right to categorise them as high risk. The additional detailing and measures within their construction are deserving of heightened compliance checks.” – Organisation

5. However, ten respondents who agree with the HRB classification for residential care buildings mentioned additional considerations. They suggest that such buildings are not in themselves as high risk as hospitals, and that the HRB definition should consider such factors as those which are above 11 metres, new builds, high value works, buildings with high resident numbers or significant extensions.
6. One respondent notes that the definition of “care building” is ambiguous and would need to be more specific, while an organisation recommends that other types of institutional residential buildings (e.g. prisons, psychiatric facilities etc.) should be included within the definition.

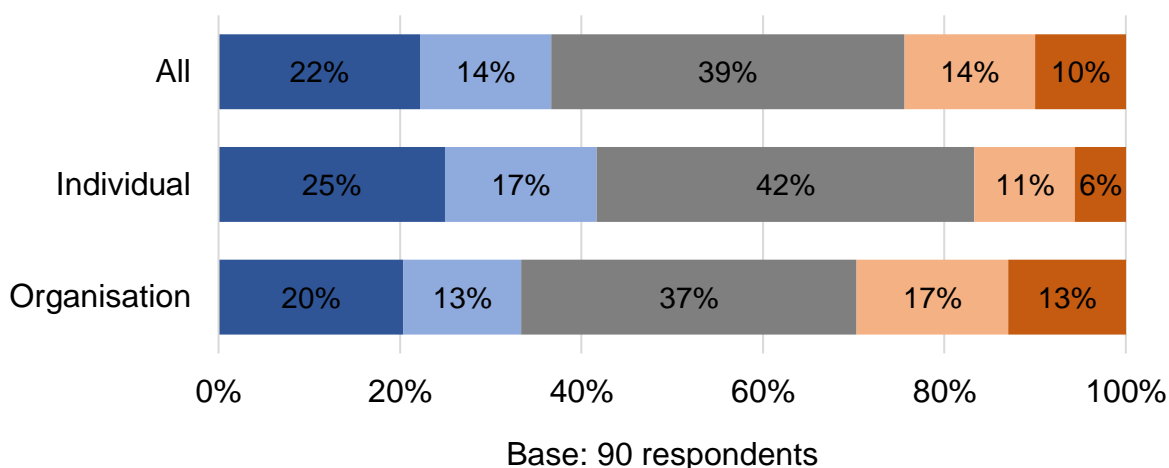
“Low rise, single storey buildings with good evacuation routes and more able bodied residents may find this an excessive requirement.” – Individual

7. Of the respondents who did not agree with the HRB classification for residential care buildings, one individual notes that it is dependent on how much usage the building has, as to what level of risk is involved.

3.5 Low-rise volume house building sites

1. Views are divided as to whether low-rise volume house building sites should be defined as a HRB, with 36% agreeing, 39% neither agreeing nor disagreeing, and 24% disagreeing. The mix is similar between individual and organisational respondents (Figure 3.5).

Figure 3.5 Agreement that low-rise volume house building sites should be defined as HRBs



■ Strongly agree ■ Agree ■ Neither agree nor disagree ■ Disagree ■ Strongly disagree

2. A total of 75 respondents provided reasons in response to this question.
3. Ten respondents believe that many low-rise volume house building sites are prone to health and safety risks and should be classed as HRBs. They note a history of non-compliance and failure to meet certain installation or build standards; furthermore two individuals suggest that measures put in place by the National House Building Council (NHBC) are not adequate due to existing longstanding issues with quality and performance.

“The self-governing NHBC is a failed scheme and a commercial entity making decisions on compliance is wrong. Evidence proves quality in compliance is not in the most part adhered to, and the last 50 years have seen a decline in long term good quality domestic build by volume builders.” – Individual

4. Nine respondents raised concerns about the environmental impact of these sites due to the high quantity of buildings and that an increased level of compliance management would be beneficial for climate control.

“There is a strong public interest in new build housing with a particular focus on climate change. Anything that strengthens compliance in this area should be adopted for this building type.” – Organisation

5. Alongside these concerns, eight respondents explained that these buildings may be occupied by vulnerable members of the public; that house fires are potentially just as dangerous as flat fires; and that the risks should be mitigated as a matter of public safeguarding.

“We would further note that whilst there are usually fewer risks to life on low rise residential developments, there have been significant fires on 3-4 story flatted developments and therefore suggest that regard needs to be given to how to minimise the risk to occupants.” – Organisation

6. Five respondents suggest that all new and future builds be regulated to the same level of compliance as HRBs, in order to alleviate the risks in all areas regarding public safety and the environment.

“As high-volume housing is a substantial part of the Scottish built environment, it is essential that all new builds are in accordance with the Building Regulations to give the government assurance they are meeting their net zero targets.” – Individual

7. Among respondents neither agreeing nor disagreeing with the proposal, 13 said that whilst in theory the additional compliance measures brought about by the HRB classification would be beneficial, the level of risk would greatly depend on the type of building. They believe that the risk associated with these buildings is low and therefore less significant, but it may vary if (for example): buildings are private or publicly owned; the quantity of buildings within the site is large; the buildings are high or low-rise; and, most notably, if the buildings are multi-tenanted or single occupancy.

“Low rise buildings, by their nature, may be less risky due to the lower height but surely we should consider the risk profile of all buildings; less complex buildings will obviously have less risk, but the environment, master planning, ownership and occupancy will all have an impact on the risk profile.” – Individual

8. Five respondents believe that the CPM role would be beneficial to all building types, but are concerned about inadequate levels of resources and a very limited number of qualified individuals to complete the assessments. The inclusion of low-rise volume house building sites in the HRB definition could therefore create too much additional work for the resources at hand, and they note that such buildings are not a high enough risk to be given priority.

“Including this building type in a high risk category would certainly also present a huge resource issue to many local authority verifiers in being able to deliver the heightened number of site compliance checks that would be required.” – Organisation

9. Six respondents feel that an adequate level of compliance is already in place, with mechanisms, site agents and existing onsite quality control processes ensuring building standards are achieved. However, they note that these current measures could be strengthened through the inclusion of a CPM.

10. Of respondents disagreeing or strongly disagreeing with the proposal, six argued that there are already appropriate levels of compliance checking; furthermore the majority of volume house builders already employ independent inspection regimes through NHBC or other insurance/warranty providers.

11. Ten respondents stated that the risk associated with these building types is minimal and needn't therefore be defined as high-risk. Some went on to say that additional

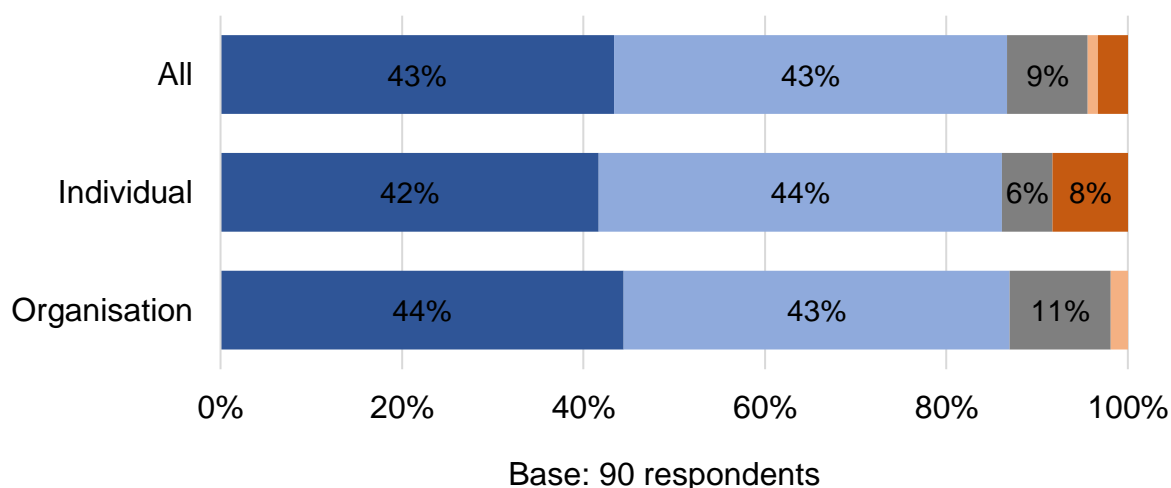
costs would be incurred which would be detrimental to the overall compliance process.

“Low rise residential buildings are of a lesser risk class under the guidelines and this should be maintained. Applying HRB status to these buildings would be a negative approach and may needlessly affect costs.” – Individual

3.6 Building types requiring a strengthened Compliance Plan regime and CPM

- 1 The majority of respondents (86%) agree that where a building falls into one of the defined HRB categories either by conversion or where an existing HRB is being altered or extended, that these building types should follow a strengthened Compliance Plan regime and require a CPM to be appointed. The strength of agreement is similar between organisations and individuals (Figure 3.6).

Figure 3.6 Agreement that HRBs falling into the category of conversion, alteration or extension should follow a strengthened Compliance Plan and appoint a CPM



■ Strongly agree ■ Agree ■ Neither agree nor disagree ■ Disagree ■ Strongly disagree

2. A total of 78 respondents provided reasons in response to this question. Several (23) believe that the process of a large conversion or alteration introduces a significant risk to a building and, as such, should be treated as comparable to the risks associated with new builds. This is believed to be especially the case if the work done is complex, causes the building to become part of a higher risk category or requires a building warrant.
3. A further five respondents note that in appointing a CPM, it may prevent buildings undergoing substantial alterations or conversions that could present unnecessary new risks.

“Conversion of existing buildings into a higher risk category can prove more difficult to ensure compliance than in the case of a new build. For this reason, it

is important that conversions, alterations and extensions are included in the HRB category.” – Organisation

4. Added to this, three respondents mentioned that older and less thermally efficient buildings have a far greater impact on the environment than new builds, so in the case of conversion or alteration, there is an increased climate risk in the event of non-compliance.
5. Twelve respondents caveat their support on the basis that consideration should be given to the scale and complexity of a build. For example, there may be some minor, low risk works without building warrant requirements that would not need a CPM. The introduction of a CPM process in these cases therefore has the potential to add additional burdens, such as increased insurance premiums or stretched CPM resources with very little beneficial returns. They suggest that more specific criteria be put in place based upon the scale, complexity and risk characteristics of the alteration or conversion project.

“We would support the introduction of the CPM regime in all HRB categories, however consideration should be given to the scale of development that the proposed CPM process would be applied to, as it could introduce additional burdens with limited benefits if not applied on an appropriate and proportionate basis.” – Organisation

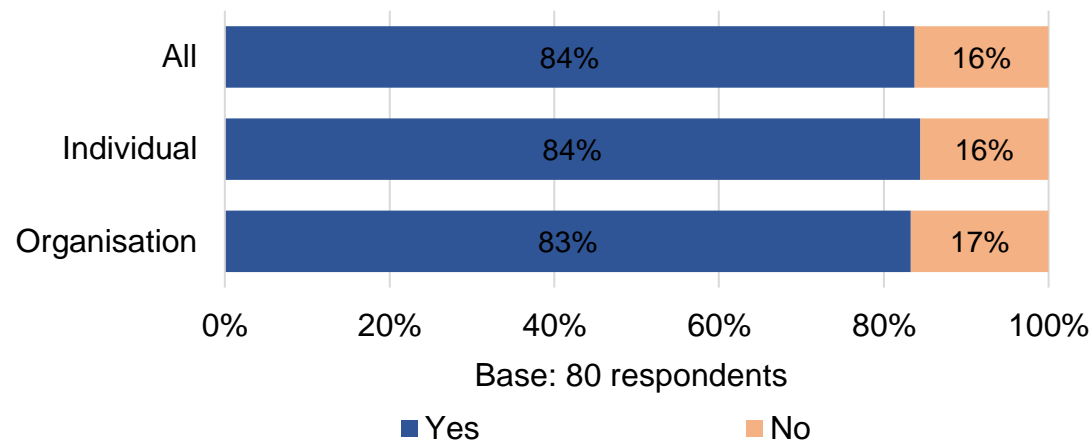
6. Of respondents neither agreeing nor disagreeing, four share the view that the application of a CPM or compliance plan regime should be dependent on the type of build, and that consideration could be reasonably given to the estimated value of works, floor areas, if any escape routes are altered, as well as cladding alterations.
7. Three respondents are of the opinion that the CPM process would be unnecessary for minor building changes and that there should be greater clarification on the level of work that would trigger the need for the compliance plan. One organisation pointed out that minor changes are commonplace, with many unlikely to need the actions prescribed to the CPM.
8. Among four respondents disagreeing or strongly disagreeing with the compliance plan and CPM proposal, two referred to existing building standards mechanisms as being adequate enough to deal with any alterations within the bounds of existing legislation.

4. Enforcement

4.1 A new enforcement power for local authorities

1 The majority of respondents (84%) confirmed that they have a view on the introduction of a new enforcement power for local authorities to take action on noncompliant work after the acceptance of the completion certificate (Figure 4.1).

Figure 4.1 Whether respondents have a view on the introduction of a new enforcement power for local authorities



2 Of 77 respondents providing supporting comments, approximately half (38) expressed general agreement, albeit 15 with caveats. Of these, nine mentioned that the introduction of such enforcement powers would have varying implications for local authorities, including the need to increase staff and/or funding resources, as well as clarifying additional responsibilities..

“Additional funding would be required for building standards [services] to ensure [they] are appropriately staffed to be able to deal with the workload associated with any additional powers.” – Individual

3 Three said that the proposal ought to be applicable to certain building types and areas of work, e.g. fire safety, structural engineering etc.

“I think this is a sensible approach, but possibly only on specific building types. Do local authorities leave themselves open where they have provided a completion certificate or warrant approval only to retrospectively decide they were wrong or not suitably vigilant ahead of handover? Are there potentially any legal risks associated with this? These should be considered.” – Individual

4 A total of 27 respondents expressed disagreement with the proposal. Just under half argued that such powers should not be the responsibility of local authorities, but a matter between the building owner and contractor.

“I don’t feel there is any merit in this. If a completion certificate has been accepted, the verifier has done so in good faith whilst using reasonable enquiry. This should be the responsibility of the owner and their contractor/legal representatives to resolve without the use of enforcement from the local

authority. Unless the building is dangerous or defective then the local authority should not be involved.” – Organisation

- 5 A further 12 respondents commented that retrospective amendments should not be undertaken, that completion certificates should not be issued if not fulfilling all compliance requirements, and that possible changes in legislation would be needed in order to accommodate the proposal in question.

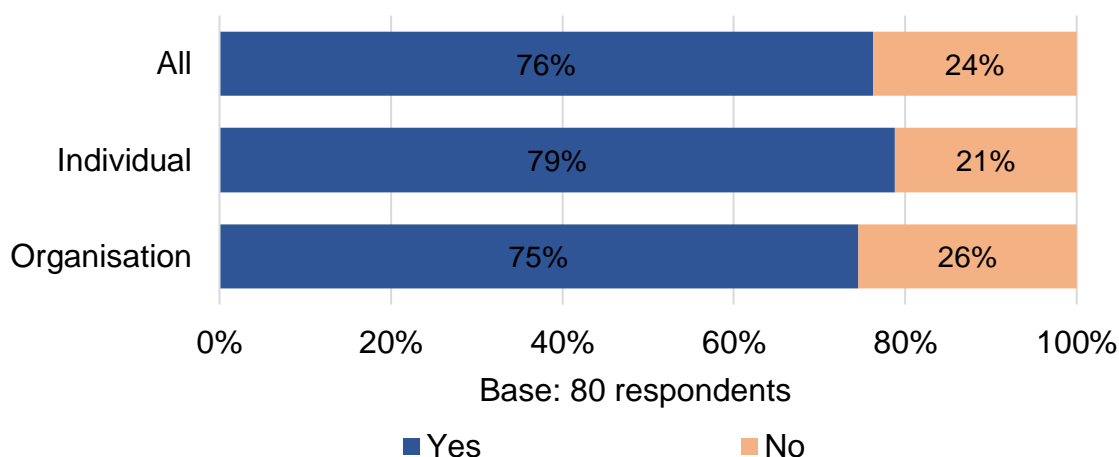
“It seems anachronistic that local authorities may need to take action on non-compliant work after the acceptance of the completion certificate. Surely, issuance or acceptance of a completion certificate should not occur until all work has been completed to an established, ratified regulatory paradigm. Legislation ought to be changed such that the issuance of a completion certificate cannot be obtained by a contractor until all criteria judged by a CPM have been certified.” – Organisation

- 6 Three of those respondents who disagree with the proposal are of the opinion that such enforcement powers would bring a significant change to how the building standards system currently operates. For example, a verifier’s involvement in a project will not necessarily end when the completion certificate has been issued with additional implications for compliance requirements and verifier workload.
- 7 Overall, whilst approximately half of respondents agree with the proposal, there are a number of potential implications, including increased staffing and funding required to deliver enforcement, and need for clarification around specific matters, e.g. building types this would apply to and responsibilities.
- 8 Additional questions raised by respondents include whose responsibility it should be to undertake retrospective amendments and whether these should be performed at all.

4.2 Level of fines for non-compliance with the building regulations

- 1 Approximately three quarters of respondents (76%) confirmed that they have a view on the level of fines for non-compliance with the building regulations (Figure 4.2).

Figure 4.2 Whether respondents have a view on the level of fines for non-compliance with the building regulations



- 2 Of 70 respondents providing supporting comments, 29 (including a roughly equal split between individuals and organisations) share the view that fines should serve as a means of encouraging compliance and deterring non-compliance. Of these, 21 argued that the fines should be proportionate to such factors as the risk they carry, project value, type of compliance requirement that has been breached, and scale of the intervention needed to fix the problem.

“The level of fines should be proportionate but also be commensurate with the risk that the non-compliance instigates. The current maximum level of fine can be equivalent to a day of Liquidated and Ascertained Damages (LADs) for major projects. The level of fine threatened needs to be sufficient to incentivise those involved to make all necessary efforts to comply. As part of the enforcement, however, there should be a requirement for the transgressor to demonstrate what steps they are taking to avoid failures to comply in future.” – Organisation

- 3 A number of organisations (14) feel that current fines are too low.

“[We] consider that the current level of fines within legislation needs to be significantly increased to prove to be a deterrent. [We] suggest the BSD discusses the level of such fines with Scottish Government legal advisors.” – Organisation

- 4 Eight respondents said that fines ought to represent a certain percentage of the turnover of business failing to comply with the building regulations.

“Fines should be significantly higher, perhaps relative in scale to the project cost, as the current scale of fines are out of touch with industry and in no way an effective deterrent.” – Organisation

- 5 Five respondents argue in favour of imprisonment for serious instances of non-compliance.

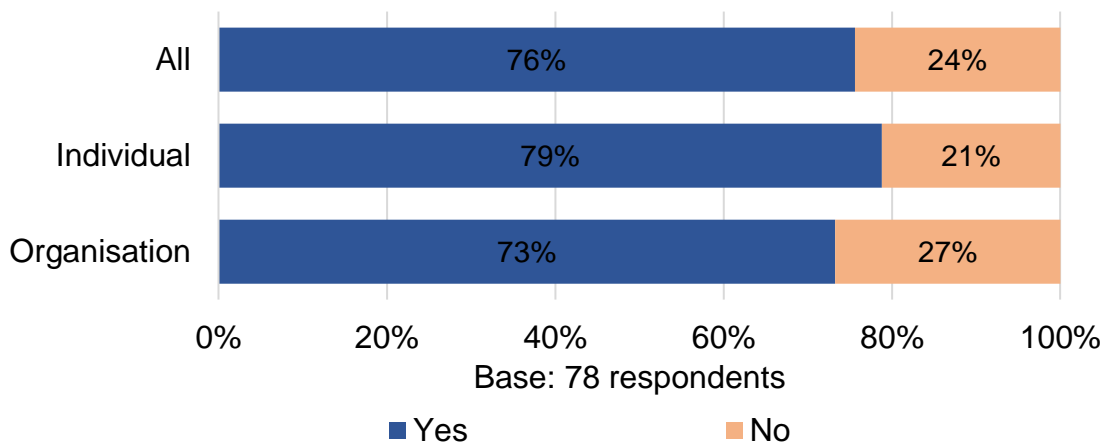
“It is essential that where developers are so negligent that non-compliance results in serious loss, injury or death then the employees, contractors, directors of the companies involved [must be] held to account and in addition to fines, prison sentences imposed!” – Individual

- 6 Three respondents emphasised the need to educate designers and contractors on compliance, and to clearly define roles and liabilities when further developing the construction compliance process.

4.3 Level of fines for non-compliance in HRBs

- 1 Approximately three quarters of respondents (76%) confirmed that they have a view on the level of fines for non-compliance with HRBs (Figure 4.3).

Figure 4.3 Whether respondents have a view on the level of fines for non-compliance in HRBs



- 2 Among 68 respondents providing comments in response to this question, many echoed views given in response to the preceding question. A total of 24 respondents (including a roughly equal split between individuals and organisations) reiterated the point that fines should be proportionate to the risk they carry, or type of compliance that has been breached, as well as the required intervention for fixing the problem. Added to that, 23 respondents emphasised that fines should be about encouraging better compliance.

“Fines should be reflective of the risk of the building and the risk that the non-compliance has/would put [on] the occupants.” – Individual

“[We] would recommend that the level of fines should be sufficient to (a) deter applicants from non-compliance, and (b) cover the authority’s enforcement costs.” – Organisation

- 3 A total of 18 respondents emphasised in response to this question that fines should be proportionate to the project value, with eight suggesting fines are set to a certain percentage of business turnover. In addition, six respondents feel that there should not be a maximum monetary cap, especially for HRBs.

“[The maximum] fine should be unlimited but related to the overall value of the completed project. Fines must exceed the financial consequences of not progressing work in a complaint manner.” – Individual

- 4 Six respondents mentioned again that imprisonment would be an appropriate sanction for serious consequences of non-compliance.

“The current penalty for a person found guilty of an offence on summary conviction – a fine not exceeding £5,000 – is not a meaningful deterrent to non-compliance. Especially for HRBs, financial penalties should be unlimited. In the most serious cases, criminal prosecution and, ultimately, possible imprisonment, should be an option.” – Organisation

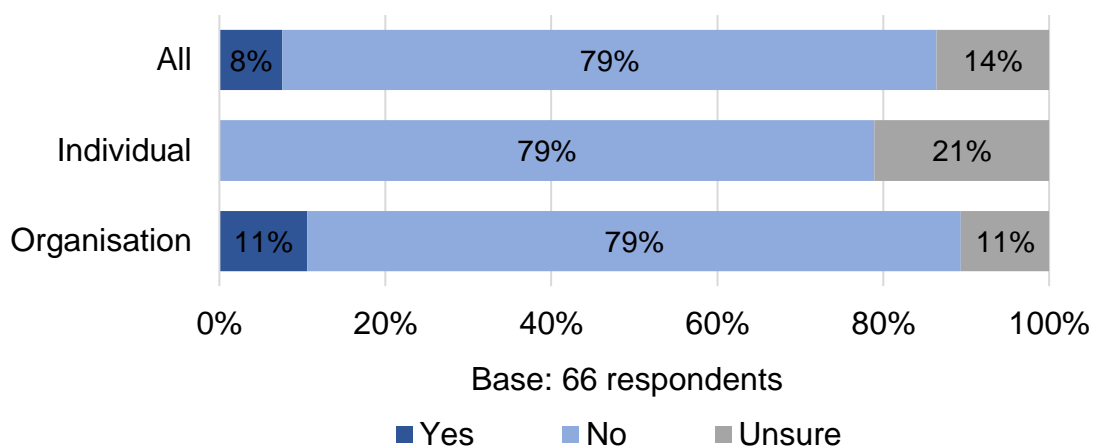
- 5 Three respondents again emphasised the need to educate designers and contractors on compliance, and to clearly define roles and liabilities when further developing the construction compliance process.

5 Impact Assessments

5.1 Equality impact assessment

1. Consultation respondents were asked whether they felt any proposals in the consultation would impact or have implications on equality groups. A small minority (8%) said yes – all organisational respondents (Figure 5.1).

Figure 5.1 Whether proposals in this consultation would impact equality groups



2. A total of 13 respondents (including 11 organisations) provided further comments.
3. Four believe that the creation of the CPM role has the potential for impact on certain equality groups, specifically women, those with disabilities, ethnic minorities and those from lower socio-economic backgrounds.
4. One respondent expressed that further clarity would be needed regarding the CPM role to be able to better understand the likely equality impact.

“It is not yet clear how the CPM role will ensure equality is addressed for all types of building users.” - Organisation, Designer/Consultant

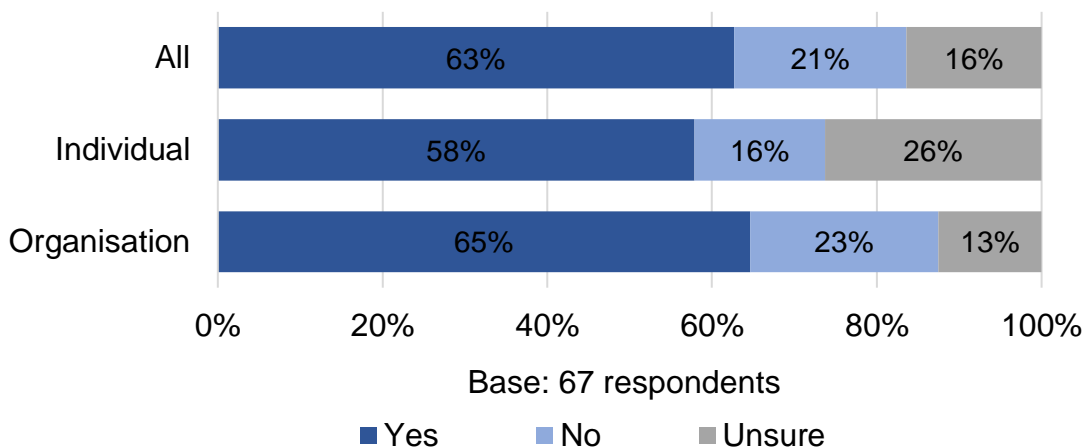
“Building sites are still difficult for women.” – Organisation

5. Three organisations said that they do not anticipate any impact or implications on equality groups.
6. Two respondents anticipate a positive impact on vulnerable groups due to greater protection provided from fire and other safety risks.

5.2 Business and regulatory impact assessment (BRIA)

1. Respondents were asked if they thought that any of the proposals in this consultation would have any financial, regulatory or resource implications for them and/or their business. Almost two thirds of respondents (63%) said yes, and more so among organisations compared with individuals (Figure 5.2).

Figure 5.2 Whether proposals would have any financial, regulatory or resource implications



2. Among 48 respondents providing further comment (including 34 organisations) over half mentioned the possibility of increased resources and/or higher skills demand for design teams and verification teams; as well as increased staffing and project costs.
3. Seven respondents, including six organisations, expressed a generally positive outlook on the implications of the consultation proposals, saying that they would help to:
 - Improve compliance with the building standards;
 - Ensure safety and quality of the products used in design and construction;
 - Improve building skills and methods; and
 - Reduce the need for inspection and enforcement in the long run.

“I expect the proposals will likely add cost for additional consultant professional input and attendance on site to ensure better compliance with Building Standards. However, I believe that any additional costs at design and construction stages will help avoid very costly retrospective remedial works and ensure better quality and better assurance of installation/specification and safety for all parties.” – Organisation

4. Other potential implications raised by individual respondents include:
 - Increased duration of the building warrant approval process and/or project delivery;
 - Impact on professional indemnity insurance, e.g. increased cost and/or requirements for the CPM;
 - Increased workload for local authorities.

“The introduction of a CPM will lengthen the time taken to obtain a building warrant, require the appointment of additional staff or consultants and will increase the time taken to obtain a building warrant which could result in increased loan charges on land purchases.” – Organisation

“PI insurance premiums will be an issue with the current insurance market already in an upward spiral of fee increases.” – Individual

6. Conclusions

6.1 Creation of a new compliance plan approach

- 1 There is strong support (82%) for the Compliance Plan Manager (CPM) role for High Risk Buildings (HRBs). The role has the potential to enhance compliance and improve safety. Further detail would be needed on the detail of the role, including its precise functions, how it would align with certain other roles, as well as competency, accountability and insurance requirements.
- 2 There is also strong support (88%) for the independence of the CPM role. This would ensure it is not compromised (i.e. by being too closely linked to the developer or contractor), although consideration would be needed as to the potential impact on project timescales and the work of other actors in the system.
- 3 The majority of respondents (85%) recognise the value that the CPM role would bring to building projects across Scotland and that the earlier the CPM can become involved with a project, the better for ensuring their knowledge and understanding of a project, as well as quality and consistency.
- 4 Finally, there is widespread support (89%) for a standardised competency framework for the CPM role. Most favour this being developed by appropriate professional bodies, although there are suggestions from a minority of respondents for alternative models for its development and oversight.

6.2 High risk building types

1. There is strong support (83%) for the proposal that a Domestic Building or Residential Building higher than 11 metres should be defined as a HRB. This is for fire safety reasons and given the importance of mitigating risks. For a broader definition of high risk to be adopted, then consideration would be needed around: i) what level of burden that would place on the CPM role and number of CPMs needed; and ii) whether the risks associated with buildings of fewer storeys (as well as non-residential buildings) may be lower in terms of the ease of any potential fire rescue operation, and whether those risks can be tolerated.
2. The consultation has established majority support (74%) for educational, community, sport and non-domestic public buildings under local authority control being included within the definition of HRBs. This would help to safeguard the public and directly protect community spaces. There is a potential need for greater specificity and clarity regarding building characteristics and uses. This might include (for example) tailored compliance plans and a more granular classification system. That said, greater complexity on the definition could make it more difficult and resource intensive to determine which buildings fall within or outside the definition, especially where they are marginal.
3. There is almost unanimous agreement (96%) that hospitals be defined as HRBs due to their local community importance and the complexity of any evacuation due to high occupancy with vulnerable individuals.
4. For a greater level of risk mitigation, residential care buildings could also be included within the HRB classification, for which there is also overwhelming support (96%).

Additional considerations here might include: i) the definition of high-risk in this context (as there may be such facilities that are smaller, and do not identify as HRBs); and ii) what structures fall under the definition of 'care' buildings (i.e., if this definition includes institutional residential buildings, prisons and psychiatric facilities).

5. There is somewhat less support (36%) for low-rise volume house building sites to be defined as HRBs, with views broadly divided. The risk level is considered to be lower and would likely depend on the type of building. There is also the question about the additional burden this could place on the CPM role vis-à-vis higher risk building projects.
6. There is strong overall agreement (86%) that where a building falls into one of the defined HRB categories either by conversion or where an existing HRB is being altered or extended, that these building types should follow a strengthened Compliance Plan regime and require a CPM to be appointed. Additional considerations might include the type of build, estimated value of works, floor areas, if any escape routes are altered, as well as cladding alterations.

6.3 Enforcement

- 1 Overall, there is substantial support (84%) for local authorities having additional enforcement powers. Wider considerations include increased staffing and funding required to deliver enforcement; a need for clarification around technical elements such as which building types this would apply to and exact responsibilities; whose responsibility it should be to undertake retrospective amendments and whether these should be performed at all.
- 2 The consultation responses (76%) suggest that the level of fines should be high enough to prevent instances of non-compliance from occurring. In setting fine levels, consideration should be given to ensuring proportionality, such as the scale of the risk, likely consequences of a breach or a percentage of business turnover.

6.4 Impact assessments

1. There are indications from a small number of consultation respondents (8%) that the creation of the CPM role has the potential for impact on certain equality groups. This might span the potential CPM or building occupants themselves, with specific mention of women, those with disabilities, ethnic minorities and those from lower socio-economic backgrounds, however no specific examples of impact on these groups were mentioned. That said, findings suggest that certain protected groups as building owners might be afforded better protections.
2. A total of 63% of respondents feel that proposals would have financial, regulatory or resource implications for them and/or their business. The implications could be manifested in terms of increased resources and/or higher skills demand for design and verification teams; as well as increased staffing and project costs. These are balanced alongside the potential for positive impact, including improved compliance with the building standards; ensuring the safety and quality of the products used in design and construction; improved building skills and methods; and a reduction in the need for inspection and enforcement in the long run.



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