



Scottish Government
Riaghaltas na h-Alba
gov.scot

Report of the Review Panel on Building Standards Compliance and Enforcement

June 2018

Report Prepared by:
Professor John Cole CBE

Building Standards Division
Directorate for Local Government and Communities
The Scottish Government
Denholm House
Almondvale Business Park
Livingston
EH54 6GA
Tel: 0300 244 4000
e-mail: buildingstandards@gov.scot
web: <http://www.gov.scot/bsd>

Applications for reproduction of any part of this publication should be directed to Building Standards Division at the above address.

© Crown Copyright 2018

CONTENTS

INTRODUCTION	3
BREIF SYNOPSIS OF BUILDING STANDARDS ISSUES	6
METHODOLOGY	9
FINDINGS AND DISCUSSION	11
Appointment of Verifiers.....	11
The introduction of more robust Compliance Plans	16
Failings in relation to Completion Certificates and Temporary Occupation Certificates	20
Enforcement.....	25
CONCLUSIONS AND RECOMMENDATIONS	27
Appendix 1: Membership of the Review Panel	31
Appendix 2: Formal scope and remit of the Review Panel.....	32

INTRODUCTION

1. This report has been prepared by the Chair of the Panel undertaking the Review of Building Standards Compliance and Enforcement in Scotland. It provides a brief description of the issues that gave rise to this review and presents a synopsis of those aspects of the current system which the Panel considered required improvement together with a series of suggestions or proposals as to how these issues could be addressed. It is intended to provide a basis for the recommendations that will be taken forward in a Scottish Government consultation paper to allow the Construction Industry, Local Authorities and the public to comment and provide further evidence.
2. In January 2016 the brick outer wall of Oxfangs Primary School in Edinburgh collapsed during a storm. Further investigations of a number of Edinburgh schools built at the same time revealed that the principal cause of the collapse was the incorrect installation of wall ties reducing the structural capacity of the walls and their ability to resist the forces on the walls in periods of high winds.
3. Information provided by Scottish Local Authorities to the subsequent Independent Inquiry (The Independent Inquiry into the Construction of Schools in Edinburgh published in February 2017 chaired by Professor John Cole) identified the fact that similar defects had been found on a significant number of recently built schools across Scotland. Subsequent to the Independent Inquiry recommending the undertaking of risk-based assessments and investigations of all building types using similar construction to the Edinburgh schools, numerous other school and non-school buildings across Scotland have been found to suffer from the same defective masonry construction.
4. In the case of the Edinburgh Schools the Independent Inquiry also revealed that widespread defective installation of fire-stopping had been discovered across the schools investigated.
5. The Report of the Independent Inquiry concluded that while these issues were primarily failures of the construction industry, they also represented non-compliance with the requirements of the Scottish Building Standards and were of a nature which could seriously compromise the safety of building users.
6. The Grenfell Tower tragedy of June 2017, in which 72 people died, was unprecedented in recent times in the UK. Whilst the Inquiry into this tragedy, chaired by Sir Martin Moore-Bick, is still on-going, it is clear that it will also address issues of non-compliance with building regulations.
7. In Scotland, following the Grenfell Tower fire, a Ministerial Working Group into Building and Fire Safety was set up by Scottish Ministers. The Ministerial Working Group established two Review Panels; one on Building Standards (Fire Safety) in Scotland chaired by Dr Paul Stollard; and one on Compliance and Enforcement of the Building

Standards, which Professor John Cole was invited to chair. This Report addresses the work of the latter.

8. Since the Panel first met two further reports have been published that provide more background on the issues related to Compliance and Enforcement.
9. An Independent Inquiry was held into the major construction defects leading to the enforced closure and part demolition of DG One, a large leisure facility in Dumfries. The Report of this Inquiry, published in April 2018, identified, in addition to a range of other defects, the widespread presence in the Dumfries building of the same two major safety-related defects found in the Edinburgh schools; defective masonry construction and widespread missing or inadequately installed fire-stopping.
10. In May 2018, Dame Judith Hackitt's Report into the Building Regulation system in England was published. The Report sets out recommendations around the design, construction, operation and maintenance of high rise residential buildings. The Hackitt Report concluded that the system in England was broken and that a complete overhaul of the regulations, guidance and compliance processes was required.
11. The Review Panel on Compliance and Enforcement in Scotland concluded that the Scottish system is not broken but that evidence clearly shows there is a need to strengthen compliance both in relation to statutory procedural requirements and in addressing non-compliant work on site. It also concluded that the approach to enforcement where non-compliance has been observed, as currently practiced by verifiers, does not appear to be effective and that enforcement needs to be more strongly implemented by Local Authorities.
12. New development and refurbishment are integral to the health and wealth of the nation and it is important that the Building Standards system operates well. The construction of new homes, public buildings and commercial properties is a major driver of economic growth. The important contribution that the building industry can make to wider outcomes such as improved health, educational attainment and the development of sustainable communities is also gaining stronger recognition. A properly functioning Building Standards system that is efficient in its operation as well as upholding standards that are fit for purpose is therefore of vital importance to the development of Scotland's towns, cities and rural areas, and for the safety of its people.
13. A proper understanding and implementation of the roles and responsibilities of verifiers and developers are key to delivering a properly functioning system.
14. The current system in Scotland has much to commend it, in particular the pre-emptive aspect of obtaining a building warrant prior to starting on site. The benefits of this element of the Scottish approach has been recognised in the recently published Hackitt Report on Building Standards in England, which recommended the adoption of the Scottish pre-emptive approach for use in the case of high rise residential buildings and other higher risk developments.

15. Despite the recognised benefits of the current system in Scotland, recent evidence has indicated that there are issues that need to be addressed, particularly in relation to how effectively the system is actually implemented. The Review Panel have concluded that, whilst simultaneously maintaining the core elements of the system, some reshaping would be advised to ensure that it addresses the identified weaknesses. The focus of this reshaping is to improve aspects of the current system and its implementation, not to fundamentally change the system.
16. There is a need for a culture change within the Building Standards system, which requires both verifiers and applicants to fully understand and deliver on their responsibilities. Culture change can be achieved through education and training of individuals that enables them to do their work effectively, but it is also necessary to have corporate commitment to change. A common goal of compliance with the Building Standards should be a requisite of any project.

BRIEF SYNOPSIS OF BUILDING STANDARDS ISSUES

18. Evidence would suggest that, since the introduction of the Building (Scotland) Act 2003, the focus of Building Standards resources has been primarily applied to the approving of design documentation as being compliant with the building regulations and the subsequent granting of building warrants.
19. There would appear to be less application of verifiers' resources on ensuring that new buildings are actually being built in full compliance with the approved design documentation on the basis of which the warrant was issued. The numerous buildings across Scotland which, subsequent to the issue of the Edinburgh Schools report, have been found to contain serious non-compliant construction defects is evidence of weaknesses in the implementation of the current system to ensure the safety of our new buildings.
20. It is clearly the legal responsibility for the building owner or developer to comply with the Building Regulations and it should be expected of them to have appropriately expert inspection during the course of the construction. However, as has unfortunately been shown, it is insufficient for Building Standards services to rely on the signing of a completion certificate by the owner / developer as confirmation of compliance. Appointed verifiers must act in the public interest by undertaking "reasonable inquiry" through a combination of undertaking sufficient inspections and requiring proof of independent certification of elements of the construction so as to reasonably ensure that buildings comply with the Building Standards.
21. The significant resource applied to the approval of design drawings and specifications is rendered superfluous if the building is not built in accordance with the approved documents thereby undermining the fundamental purpose of the regulations to ensure safe efficient functional buildings.
22. While Building Standards certification of design schemes (currently they exist for structure and energy) will tend to ensure the involvement of adequately competent professional designers in the design process, there is no requirement for the continued involvement of professionally qualified designers in the process of inspecting and confirming that buildings are constructed in accordance with their approved designs.
23. There has been an increased adoption, particularly by public sector bodies, of procurement methods in which the design team are employed by contractors and which enables contractors to determine the nature and level of involvement or otherwise of the qualified design professionals in the inspection and checking of the compliance of those contractors' work on-site. Perhaps not surprisingly this element of service, which used to be a standard part of a design team's role, is frequently drastically reduced or even not required at all by employing contractors.
24. Such appointments of design teams frequently contain confidentiality clauses whereby the professional design team are prevented from conveying concerns to the

actual client for the project as to defective construction quality or changes from the approved design that they have observed and reported to the contractor. These arrangements have resulted in the situation where there is often limited independent professional oversight by the actual designers of the buildings of the detailed construction of projects and their compliance with Building Standards.

25. This reduced level of involvement of design team members during construction has been coupled with a significant reduction by public and private bodies in the employment of clerks of works acting on behalf of the client body. This trend has in turn led to a reduction in the availability of experienced qualified clerks of work to the industry as a whole.
26. Evidence from several recent inquiries indicate that currently it would be inappropriate to assume that contractors' quality assurance processes and self-certification can be fully relied on or alone can provide the necessary assurance as to compliance with the regulations or with the approved warrant drawings. The failure by some contractors to address defective construction can arise from the natural conflicts of interest for contractors in condemning aspects of their own construction work, as to do so may lead to additional costs of both the necessary remedial work and of any resultant delay to completion for the contractor involved.
27. Simultaneously evidence would indicate that there is a problem in relation to the limited availability of skilled tradesmen in key trades in the construction industry often resulting in the employment of workers without the requisite skills leading to poor quality, non-safe and non-compliant construction.
28. Over the same period as these issues have come to the fore, Local Authorities appear to have been steadily reducing the number of construction-related professionals they employ to manage such projects, thereby reducing their ability as intelligent customers to adequately specify and ensure delivery of the quality of construction in their projects.
29. The combination of these factors has contributed to a situation in which public confidence in the quality and safety of our buildings has been severely dented. It was simply a matter of fortuitous luck and timing that the collapse of external walls at five schools across Scotland in the last few years, (four largely unreported collapses preceded the collapse at Oxfangs School), did not lead to multiple fatalities or major injuries to school children.
30. Early technical reports on the horrific Grenfell Tower tragedy have indicated that amongst a range of contributory failures was inadequate and non-compliant installation of fire-stopping, a quality problem that is now recognised as widespread throughout the industry in the United Kingdom, including Scotland.
31. Such regular failures within our Construction Industry must not be allowed to continue and while the core responsibility mostly lies with Industry, and to a lesser but still

important degree with its clients, Government has a responsibility to ensure that weaknesses in the current implementation of the Building Standards system in Scotland in relation to failures to enforce procedural and site compliance are properly addressed.

32. Two further key areas that need to be addressed are (1) the reported delays sometimes caused to major projects in Scotland due to unacceptable lengths of time being taken by verifiers to deal with applications and (2) a perceived lack of consistency across Scotland in the approach taken by different verifiers in relation to their approval of projects.

METHODOLOGY

33. The approach taken to the review of Compliance and Enforcement was to set up a Panel formed of experts from public and private sector bodies related to the design and construction industries in order to facilitate analysis of the issues from a full range of perspectives. A list of the membership is attached at **Appendix 1**. The Review Panel provided a forum for the presentation of evidence, with the opportunity to debate and test current theory and practice.
34. The Review Panel met formally on three occasions over the period December 2017 to April 2018. The members of the Panel provided evidence based on their experience with regards to the current operation of the Building Standards system, its strengths and weaknesses, the areas where it was felt changes were required and the nature of potential changes that could be introduced to address the identified weaknesses.
35. Throughout the series of meetings there was agreement as to the need for stronger enforcement of the regulations both in terms of procedural requirements and ensuring compliant construction on site.
 - Meeting 1: Initial wide-ranging discussions took place on the current operation of the system and the problems that have resulted in this Review. Particular reference was made to the Edinburgh School's Report (Cole, 2017), and testing how the wider experience of the members of the Review Panel in relation to their involvement in both public and private sector projects aligned with the findings of the Report. The Panel received a presentation from officials from Ireland on their new model of Building Standards processes including a series of fundamental changes that they had recently introduced to address similar problems with non-compliance to those being experienced in Scotland.
 - Meeting 2: This meeting built on the findings of the first meeting. It was supported by position papers that were prepared by Scottish Government and approved by the Chair. These papers and Panel discussion facilitated a more detailed analysis of the issues raised at Meeting 1 and proposed approaches to address these issues were identified.
 - Meeting 3: This meeting considered the practicality and potential effectiveness of a collated list of proposed short, medium and longer-term recommendations identified in previous meetings as set out in a detailed briefing paper. Further input was provided in the form of written evidence and presentations on the day by members, including presentation from a representative of the Structural Engineers Registration Ltd. (SER), and the panel members representing the Royal Incorporation of Architects in Scotland (RIAS), National House Building Council (NHBC) and Local Authorities Building Standards Scotland (LABSS).

36. The last of the meetings confirmed previously agreed views and wide acceptance as to a number of conclusions and proposals that should inform the development of the consultation paper.

FINDINGS AND DISCUSSION

37. This section of the Report reflects the key issues identified by the Review Panel, its findings and proposals. The Review Panel's discussions focused more upon compliance than enforcement reflecting the primary objective of ensuring that developers achieve compliance, thereby lessening the need for enforcement. However, there was wide agreement that the current approach to enforcement required strengthening with the need for Local Authorities to take more effective action in situations where non-compliance is identified.

Appointment of Verifiers

38. The meetings discussed the issue of verification and the capacity and capability of verifiers to fulfil their role in compliance and enforcement. It was noted that at present the model of verification was by appointment rather than competition. Currently all thirty-two Local Authorities have been appointed as verifiers within their area. The appointment covers all aspects of verification under the 2003 Act. The Review Panel also noted with interest that the recent process of re-appointment of verifiers was, for the first time, used to address levels of performance by reducing the length of re-appointment periods in the case of a number of verifiers.

39. The Review Panel noted that the legislation allowed for different models of delivery of verification services, including the introduction of private sector verifiers. However, it was generally felt that Industry wanted to see an improvement in verification with consistency of approach and predictability over issues such as response times rather than a change of model.

ROLES AND RESPONSIBILITIES OF VERIFIERS

40. The role of the Local Authority verifier can be encapsulated into the following:

- Approval of designs submitted with building warrant applications.
- Undertaking site inspections during construction works.
- Acceptance of completion certificates prior to building occupation and use.
- Enforcement of parts of the legislation dealing with dangerous and defective buildings.
- Enforcement where contraventions of the legislation occurs.

STAFFING AND RECRUITMENT CONCERNS

41. Significant concerns were expressed in relation to both current staffing levels and difficulties in recruiting qualified staff across Local Authority verifiers in Scotland. This discussion was informed by a presentation made by LABSS to the Review Panel.

42. The number of staff and the level of staff with professional qualifications are reported to have dramatically decreased over the last 15 to 20 years. During that time re-

organisation and financial pressures within Local Authorities have tended to lead to a significant down-grading of the heads of staff of Building Standards services and to a lower wage structure with limited career opportunities to attract high calibre candidates.

43. The age profile of current staffing is predominantly in the upper age category and many are approaching retirement. Difficulties in recruiting staff has already been put forward as a reason for inability of some current Local Authorities to properly fulfill their current functions.
44. Accordingly, there has been a reduction in the level of professional qualifications that are being sought from candidates by some Local Authorities in an attempt to fill vacancies.
45. The problem in recruiting staff to join building standards extends across Scotland, particularly away from the central belt. This applies to both younger newly qualified surveyors, engineers and other building professions as well as to more experienced practitioners.
46. The success of a reshaped system will depend on bringing through younger staff, often those from college or university, who can be trained to be building standards surveyors and inspectors. There is a need for appropriate training and courses leading to specific building standards professional qualifications to be developed, as well as a clear career pathway.
47. LABSS are currently developing such proposals, as well as seeking to promote the establishment of appropriate career pathways. These are essential elements for success in making building standards verification a more attractive career.
48. This issue is approaching critical status and the Review Panel felt that the Scottish Government should support the efforts currently being made by LABSS to establish such training and qualification pathways, including through the provision of both expertise and financial support for these initiatives.

POTENTIAL FOR GREATER SHARING OF RESOURCES BY VERIFIERS

49. The current model of delivery of Building Standards services is based on the appointment of Local Authorities as verifiers within their own area. The thirty-two Local Authorities frequently work together collectively at a national level through LABSS, and at a local level through LABSS consortia groups. However, LABSS and the consortia do not have any formal statutory role. This means that the delivery of the system is entirely managed at the local authority level.
50. Whilst the Review Panel in general supported the Local Authority model, it was recognised that verifiers need to have access to the critical mass of expertise in key fields to be able to address the needs of dealing with more complex projects and to support the essential professional development of staff.

51. It is suggested that workforce returns, if not already collected, should be required from each Local Authority to determine the comparative staffing of each Building Standards service in terms of both numbers and qualifications of staff against the level of demand for services, taking appropriate account of factors such as geography and development activity. It should be a requirement that each Local Authority report to Scottish Government annually on the staffing numbers and qualifications of their Building Standards service, on the level of Building Standards fees received and on how much of this is expended on the provision of the service.
52. This information should be used to assist in the establishment of norms in terms of types and levels of professional qualifications and of numbers of staff deemed necessary to deliver the required quality of service.
53. It is recommended that LABSS and consortia should seek further ways for verifiers to share expertise and staff resources, in particular in the specialist and safety-related areas of construction. This would include fire and structural engineering but could also extend to areas such as energy design of complex buildings. This pulling together of resources of a consortium or at a national level should not be used to diminish the need for competent and properly resourced teams in any one Local Authority but should assist them in assessing buildings that are more complex and of higher risk.
54. It is also recommended that it should be made a requirement that no Local Authority can approve its own projects in particular those in the higher risk and more complex category. This function should be undertaken by another Local Authority nominated on a project by project basis. A decision support mechanism and central team should determine such cases. The independent Local Authority would act as verifier and receive the appropriate fees to deliver the verification service. The first authority would effectively be the client and free from conflict of interest with regards to verification of their own buildings.

PERCEIVED CURRENT INADEQUACIES IN SITE INSPECTIONS

55. Site inspection is an important part of the process of 'Reasonable Inquiry' that verifiers are required to undertake in order to satisfy themselves that the completed building complies with the building regulations and with approved design warrants.
56. The Review Panel expressed concerns in relation to the ongoing capacity and capability of Building Standards services to undertake the necessary level of inspections required to provide the appropriate level of assurance of the compliance with regulations. This was seen as of particular concern in relation to those key aspects of the construction of buildings that impact on the safety of users, such as structural integrity and fire protection.
57. The Panel agreed that a combination of an insufficient number of site inspections and an insufficient focus of the limited number of inspections on these key safety-related

areas have helped to contribute to a situation where non-compliance in these areas is frequently failing to be identified, resulting in potentially unsafe building environments. Early action is required by Building Standards services to address this issue.

58. The roles and responsibilities of verifiers and applicants in relation to site inspection and testing needs to be reviewed. Verifiers should undertake reasonable inquiry with regards to construction work and again at completion. However, the role of site inspection and testing needs to be better defined with updated guidance on what to inspect and when.
59. There is also a need to mandate a certain level of inspection for the higher risk and more complex buildings. Such mandatory inspection would require to be accompanied by mandatory notification prior to the commencement of agreed stages of construction.
60. It was noted by the Review Panel that there is a substantial opportunity for the greater use of digital technologies to share information between contractors and verifiers. Such data is now routinely collected by some of the major contractors on larger projects for quality control purposes. Much of this data is relevant to compliance and could be part of the 'Reasonable Inquiry'. However, there is a need to develop platforms, protocols and certification systems to ensure that there is confidence in the data shared by all parties. The Scottish Government should promote such innovation and work with Industry and verifiers to develop the research, testing and development that is needed.
61. Evidence has shown that as part of the reshaping of the Building Standards system there will be a greater need for detailed scrutiny by verifiers or certifiers of the design and construction of safety critical elements, particularly fire and structure. While the need for external certification of design and construction, will inevitably grow, it is important that verifiers retain or develop their own skills base in these areas as they remain the final checkers of compliance.
62. The level of detailed inspections required to give the necessary assurance of full compliance is more than the verifiers' legally stated duty of 'Reasonable Inquiry' would be expected to provide. It has to be acknowledged that the nature and frequency of inspection processes as currently undertaken by verifiers cannot and should not be viewed as alone being capable of confirming compliance with the regulations. The current public expectations, including those of clients and contractors, in this regard need to be revised. Even the term 'verifier' implies a level of assurance and a detailed inspection role that Building Standards does not and cannot provide.
63. However, a key objective of the Building (Scotland) Act 2003 is to seek to ensure the safety of new buildings and it should be made incumbent upon Building Standards services to supplement their own inspections with requests for specific documented

evidence of compliance in key areas to be provided by those procuring and building new facilities.

64. It must be made clear that it is the legal responsibility of clients for all buildings that will be occupied, used, worked in or visited by members of the public to ensure that these buildings are compliant with the regulations. This responsibility should include a requirement on the client and appointed agents to the client to provide Building Standards services with the necessary evidence to demonstrate compliance.
65. For that evidence to be relied upon by Building Standards services, it should be required to be produced by appropriately qualified professionals with indemnity insurance cover. The Review Panel considered that clarification and strengthening of the roles and responsibilities of clients and developers in this regard was an essential element in improving compliance.
66. The statutory obligation on building standards verifiers should be to take all such reasonable steps to ensure compliance and where non-compliance is detected to actively and effectively enforce the regulations. In practical terms this can only be adequately achieved by Building Standards insisting on the appropriate actions being taken by clients, designers and contractors to provide them with the necessary documented evidence to allow them to fulfill their statutory obligations.
67. Building Standards services should continue to carry out on-site inspections to assess the reliability of the evidence provided to them and extend their inspections where that reliability is questioned or when the required documented evidence fails to be provided. Their initial inspections should be viewed as more of an audit role rather than a detailed inspection role.
68. Where additional inspections are required by the verifier as a result of initial inspections and compliance issues, additional fees for more in-depth investigations should be levied against the project. Detection of fraudulently produced evidence or certification should result in severe fines and enforcement of full compliance.
69. The provision of digitally recorded videos and photographs of specifically identified areas of the work, particularly of areas which are to be closed in, should in advance be sought by Building Standards as part of the required documented evidence. Building inspectors should not hesitate from requiring opening up of areas where contractors have failed to provide the specified evidence and in these situations the cost of doing so should lie with the contractor even if the construction work is found to be compliant.

FOCUSING OF RESOURCES ON AREAS OF HIGHER RISK

70. The Panel recognised that the focus of the relatively limited resources of Building Standards services should be on inspections of those building types in which non-compliance potentially presented the greatest risks to users.

71. The current system in relation to small scale / domestic projects, while still requiring considerable strengthening in terms of proactively ensuring better compliance with procedural requirements, was viewed by the Panel as being suitable for purpose. It was suggested that the level of inspections for larger scale low-rise residential developments could be structured similarly to those currently required by housing warranty providers.
72. For non-domestic buildings and high rise residential buildings, it was agreed that a more specific approach to the individual building would be required in determining the nature, frequency and timing of proposed inspection plans. This would take account of the function of the building, its location, proposed occupancy, scale, height, complexity of design and related risk factors. The Panel was advised that projects falling into this higher risk group were assessed as broadly representing about twenty per cent of applications to Building Standards.
73. The Review Panel agreed that there was a need to formally define what would be categorised for the purpose of the regulations as higher risk more complex buildings (the twenty per cent) to differentiate them from lower complexity, lower risk projects (the eighty per cent). It was agreed that the processes and information requirements for the former category of buildings needs to be revised to reflect the higher levels of risk and potential impact of non-compliance in key areas of the construction.
74. A review should also be undertaken to explore the possibility of extending the currently specified range of smaller low complexity projects that are exempt from the statutory approval processes (those falling into the category of Schedule 3 work). A considered proportion of these might instead simply require the submission of notifications of intent to carry out the work together with its description. Projects in this category could be subjected to occasional random audit to confirm that they were exempt from the formal process of approval. This approach would help address the problem of limited building standards staff resources by relieving them of the need to deal with so many smaller projects.

The introduction of more robust Compliance Plans

75. A Construction Compliance and Notification Plan (CCNP) for each project has been the approach adopted in recent years to determine the number and type of inspections to be undertaken by Building Standards services.
76. Central guidance for the production of CCNPs was produced by LABSS in conjunction with the Building Standards Division for use with domestic and non-domestic buildings. Previous research has demonstrated that while CCNPs were being used, applicants often did not inform the verifier that work was commencing (despite this being a statutory requirement), resulting in verifiers often failing to carry out initial and sometimes planned follow-up inspections, thereby undermining the effectiveness of the process.

77. Evidence to the Panel also suggested that frequently building inspectors tended to allocate what would appear to be a disproportionate number of the planned site inspections on drainage, frequently failing to inspect more risk-related aspects of projects.
78. The Panel agreed that addressing failures of applicants to notify and of verifiers to inspect were essential elements of improving compliance, particularly in relation to the more complex higher risk buildings.
79. It was the view of the Panel that the twenty per cent of projects that fall into this category should be given more scrutiny and there was a key need for a specific compliance plan to be developed for them in advance of commencement of construction. At present the CCNP is not written into legislation or regulation and as such it is not enforceable in its own right.
80. Most of the design work on a project is undertaken in the period prior to a building warrant being submitted. At this stage the design team may be in need of advice from the verifier, but there is no requirement for them to engage with them. Also, whether the facility to do so is offered by the Local Authority will be a decision for the individual verifier. Currently some Local Authorities routinely offer pre-application advice whilst others may or may not, possibly depending on the pressure on their available resources.
81. As well as encompassing design and construction, it is proposed that for the higher risk more complex category of buildings pre-warrant application discussions should be made a mandatory part of the requirements of projects. These pre-assessments should prove to be of benefit to the developer and to the verifier. For the verifier they will allow greater assessment of risk, and for the developer an understanding of the requirements of the verifier.
82. CCNPs were introduced in order to provide developers and verifiers with a clear view of when inspections would take place. However, as stated above the Panel felt that there was a need for a more robust approach to compliance planning and documented evidence of compliance.
83. It is suggested that the Compliance Plan should initially be prepared by the developer for discussion with and approval by the verifier. The compliance plan could be in two stages:
 - Outline stage – Prior to warrant application and covering pre-warrant application, warrant application, construction and completion.
 - Detailed stage – Full work plan for construction and completion, setting out all key stages, and proposing inspection and testing periods.

84. These plans should be used to establish the following:
- the projected programme for the project
 - the level of detail information that is required to be submitted with the warrant application
 - the form of procurement to be used
 - the extent and nature of the client's technical representatives
 - the experience and expertise of the contractor if known
 - any proposed staging of warrants
 - the higher risks elements of the building
 - the documented evidence that the verifiers will require to be produced by the developer during construction, (suggested term Construction Compliance Evidence Documentation (CCED)), and
 - the nature, frequency and specific stages of planned visits by building inspectors to the site and notification requirements.
85. This more robust approach to a Compliance Plan would be a further development of the current CCNP prepared by Building Standards services. It is proposed that it should be coordinated and tied in with a new requirement by verifiers for a Contractor's Inspection and Test Plan (CITP) and that for higher risk more complex buildings, the approved warrant would not be issued until the Compliance Plan, CITP and CCED were in place and agreed, and the site start date notified.
86. This approach would provide a more definitive planning platform for both verifier and developer.
87. It is also suggested that the Building Standards warrant reference number should be required to be stated on the Health and Safety Executive (HSE) F10 form. This would emphasise to developers the legal importance of compliance with the warrant in relation to ensuring that buildings are not only constructed safely but are constructed to be safe in use. Implementation of this proposal would require discussions with HSE.

POTENTIAL CERTIFICATION OF COMPLIANCE PRIOR TO SUBMISSION OF COMPLETION CERTIFICATE TO THE VERIFIER

88. The Review Panel heard evidence from the Government of Ireland on the introduction of a certification of compliance scheme under their Building Regulations Procedures. This process was considered as complementary to the existing Certification of Design and Construction schemes under the present Building Standards system. Under the Irish scheme it was made compulsory for the construction of all projects to have been certified as compliant by the signing of a completion certificate by an assigned certifier. All such certifiers had to be either a professionally qualified and registered

architect, engineer or building surveyor. Without such a completion certificate it is illegal for any new building in Ireland to be occupied.

89. The introduction of the following forms of Certification Schemes were considered by the Review Panel:

- Certification of compliance at completion:

Ensuring that a qualified and competent person undertook this task before the owner or developer submits the completion certificate to Building Standards services for review and acceptance, as is the requirement in the Republic of Ireland.

The panel also heard from NHBC on the processes that they use to inspect and assess buildings during the construction phase before sign-off as part of their warranty approval process. NHBC inspect at key stages and this could be used as a template for the inspection regime by verifiers for new housing.

- Certification of the construction of structural work on site:

An extension of the current Certification of Design (Building Structure) scheme. The chair of Structural Engineers Registration Ltd. (SER) provided a presentation to the Panel setting out how such a scheme could operate as an extension of the current scheme for certification of structural engineering design to also cover compliance of the implementation of these designs on site.

- Certification of fire-stopping:

A key safety-related failing that was identified throughout the Edinburgh Schools, DG One and Grenfell Inquiries. This was considered to be area that required immediate action.

90. The Review Panel questioned the fact that under the current Scottish system there is no requirement for the relevant person signing the completion certificate, to have any particular competence, training or qualification in construction, irrespective of the size, complexity or height of the building that he or she is signing as compliant.

91. This has meant that the completion certificate process is often not treated by those signing it with the level of diligence implied in the legislation. Without any requirement for specific knowledge on the part of the person signing the certificate, this process cannot provide the necessary level of assurance to confirm the compliance of all work on site, the majority of which will not have the benefit of having been inspected by Building Standards services.

92. It is proposed that consideration be given to the introduction of a 'Certifiers of Compliance' scheme, which would require the completion certificate to be assigned by those appropriately qualified to be accepted as a registered certifier. Such a person could be a member of the design team or an appropriately qualified employer's agent or other independent appointee. The most appropriate professional

certifier will be influenced by the form of procurement or building type, but the essential requirements would be that the certifier has the requisite professional knowledge to be on the register and undertakes the necessary due diligence to confirm compliance of the completed building with the approved plans.

93. Ideally there would be separation of the designer role and the certifier role even if both were to come from the same practice. The development of a 'Certifier of Compliance' scheme could build on the existing Certification of Design and Construction schemes that already operate within the Building Standards system, possibly making use of the existing certification register. The Irish certification model as presented at the meetings of the Review Panel provides a good example of how this approach could work. It is recommended that the Scottish Government should ensure that the useful dialogue already developed with counterparts in the Republic of Ireland should continue.
94. Even with the introduction of a competent oversight of the compliance of projects, it should remain the responsibility of Building Standards services in their statutory role to issue acceptances of completion certificates to give this process the appropriate importance, authority and independence from commercial interests and to carry out appropriate site inspections and audits of the evidence submitted to them by certifiers of compliance.
95. Building Standards services across Scotland should standardise the form and level of information to be presented with the application for a completion certificate for types of buildings over a certain floor area or height, complexity of construction or high-risk use. The use of digital information should form part of this requirement, as well as as-built drawings and updated specifications of the final materials and products used.
96. There is the potential to use the existing eBuilding Standards on-line application platform, and to link the storage of documents to BIM systems. These matters would need to be considered and assessed by the Scottish Government.

Failings in relation to Completion Certificates and Temporary Occupation Certificates

97. The current requirement in Scotland is that completion certificates submitted to building control by owners/developers must have been formally accepted by a verifier by the issuing of a notice of acceptance of a completion certificate prior to the occupation or use of a building.
98. However, in situations where the verifier feels unable to issue such a notice of acceptance, due to the building not yet being considered to be compliant with the regulations, the verifier can be requested to issue the Temporary Occupation Certificate (TOC). These are time-limited but can be extended as deemed necessary.
99. The Review Panel expressed concern that too many buildings are currently being occupied prematurely either without having achieved acceptance of a Completion Certificate or by means of the issue of a Temporary Occupation Certificate (TOC).

TOCs were used extensively in the Edinburgh Schools PPP programme with some schools remaining occupied for several years before successfully achieving acceptance of a completion certificate. A similar situation was also found to be the case in the DG One Inquiry.

100. TOCs are a tool that is frequently used by developers for progressive occupation of buildings by tenants and clearly this facility is required, however evidence has demonstrated frequent failures by a range of client groups including public bodies to follow through and achieve a final completion certificate. Once a building has been occupied it is difficult to remove occupants from the building and to pursue enforcement actions against the relevant person. This situation leads to regular breaches of the law as currently written.
101. It is recommended that the occupation of buildings should not be permitted under any form of certificate without appropriate assurance that the building is safe for occupation and formal acceptance of this by Building Standards services.
102. It is suggested that the introduction of a form of qualified Completion Certificate, instead of the TOC, identifying items of construction that may not yet be fully compliant but are not considered sufficient to prevent the occupation of the building, could be considered.
103. All safety-related elements of the building would require to be completed before providing a qualified completion certificate of this type. Such an arrangement would specify a time in which specified non-compliant elements should be completed, set a date for re-inspection and apply fines for failure to achieve agreed timescales.
104. It should become impossible to occupy, insure, rent or sell any new buildings which do not have the required completion certification. Discussions should be held with representatives of the Insurance Industry on this proposal. Legislative changes may be required.

AMENDMENTS TO WARRANT

105. It was the view of the Panel that the current legal requirement for an application for amendment to warrant to be granted before work can continue does not take account of the practicalities of the construction process. Adjustments to design are regularly identified on construction sites to address issues such as essential client changes, coordination issues, site factors, material availability, design development and sub-contractors' design solutions.
106. The current requirement implies that work should be stopped on the area in question, full designs produced of the proposed change, revised drawings and documentation submitted and contractors should wait for several weeks or longer for verifiers to issue an amendment to warrant before being allowed to continue with the area of work in question. Compliance with this procedural requirement is likely to result in major

practical problems and inappropriate additional expense for contractors and clients. As a result, many contractors rather than risk such a delay will proceed without seeking the approved amendments to warrant and as a result many act in breach of the current statutory regulations.

107. Evidence shows that many such changes to buildings have not been submitted for amendment to warrant and as-built drawings frequently fail to identify such changes to the disadvantage of future operational managers of these buildings.
108. It is suggested that the development of a more practical approach to this current procedural requirement should be considered.
109. In order to address the issues associated with amendments to warrant it is proposed that in relation to the category of larger projects (the twenty per cent) that delays could be avoided by creating a scheme for certification of amendments. This would allow a competent registered certifier to provide the necessary approval to changes on site up to a certain pre-determined scale (to be set out in the compliance plan).
110. This arrangement could include a requirement that details of the amendment to the design are submitted by the certifier to Building Standards services for advance information and, that all such amendments are required to be wrapped up in a final submission for approval of these interim design amendments prior to submission of the completion certificate and final inspection by Building Standards services.
111. If Building Standards officers on receipt of the notification of specific proposed amendments to design solutions considered them non-acceptable or requiring a full submission they would have the authority to revert to the original procedural requirement.
112. The “certifier of amendments” and “certifier of compliance” roles could be undertaken by the same or by different qualified and registered persons. Demonstration of their qualifications, experience and competence would be required prior to becoming a member of such a scheme(s) and allowing them to practice as certifiers. The certifiers would be subject to measures to ensure that they keep up to date with technical developments and their work would be subject to regular audit by the scheme provider.
113. Contractors should specifically be required to identify all aspects of the construction that have been amended since the approved warrant or last approved amendment to warrant. Building Standards should ensure that the changes are acceptable before approving them and carrying out a formal completion inspection.
114. Where no certifier is used for amendments to warrants and work progresses without approval of the amendments then verifiers should undertake enforcement actions to stop work until approval is given.

STAGED WARRANTS

115. The process of staged warrants means that the detailed design of buildings has not been fully completed in advance of the commencement of work on site. Evidence suggests that it is unlikely that contractors will cease work until they receive approval for subsequent stages, and it is equally unlikely that they will go back and amend non-compliant construction carried out in advance of receiving these approvals.
116. Verifiers must ensure that contractors work closely with them in relation to planning the number of stage warrants, agreeing the information content to be submitted with each application and agreeing periods for receipt of submissions and the issues of approval.
117. The fee structure for staged warrants should be increased to reflect the additional work required by Building Standards. When a staged warrant application is to be made, Building Standards should inspect the site to ensure that work is not progressing on those areas still subject to warrant approval.
118. Enforcement action in relation to progressing work without proper approval should be strengthened.

LICENSING OF CONTRACTORS

119. It is suggested that consideration should be given to the introduction of a requirement for the licensing of contractors to demonstrate their competence to undertake specific categories and sizes of work as current arrangements do not provide clients with the required information. This requirement would be in addition to the proposed independent professional certification of the work of contractors.
120. There is a need for collaboration across the UK on this matter as the licensing of the Industry is a reserved matter. While it would therefore be seen as a somewhat longer-term objective, it is known that the UK has expressed a substantial interest in the further exploration of this concept following the publication of the Hackitt Report. Interestingly the Government of the Republic of Ireland have recently initiated the introduction of such a scheme to supplement their recent changes to their Building Standards system.
121. The introduction of licensed contractors could initially be developed and focused as a requirement of contractors to qualify for selection for the construction of large, high risk and complex buildings.

FIRE PROTECTION ISSUES

122. An underlying concern in relation to both the Edinburgh Schools and the DG One Inquiries has been the extent of defects and omissions discovered in the installation of fire-stopping throughout all these buildings. Reports have emerged of a similar level of failings of fire-stopping in recently constructed buildings throughout the UK, mostly notably reports on the Grenfell Tower tragedy.

123. The design of buildings in relation to fire safety is determined by the requirements of the Building Standards, which are largely based on the effective compartmentation of large buildings into smaller fire and smoke sealed areas, to contain the spread of fire. The intent of the Standards is frustrated and the whole design approach, on which the safety of the public relies, is rendered ineffective if fire-stopping at junctions and to penetrations of compartment walls or floors is incomplete. The evidence indicates that inspection processes by builders, client representatives and statutory authorities are regularly failing to identify deficiencies in fire-stopping installations.
124. It is suggested that there would be benefit in stronger engagement with the Fire Authority at key stages, particularly at completion before occupation or use and in reinstating the need for Building Fire Certificates on higher risk buildings as part of the Fire Authority engagement in the building sign-off processes. These actions would serve to help restore diminished confidence in the fire safety of new higher risk buildings.
125. The level of adequacy of the checks on the installation of fire-stopping needs to reflect the nature and stage of construction of a building and cannot be easily fulfilled by a single inspection at the end of the project. The appropriate level and frequency of these inspections should be reflected in the programme of inspections as detailed in a mandatory Compliance Plan.
126. In advance of the introduction of more radical changes to the system, Building Standards services should immediately make it a requirement for the submission of digital photographic evidence with supportive documentation certifying the effectiveness of fire-stopping installations. Central guidance should be produced specifying these requirements.
127. It is, however, proposed that the longer-term reshaping of the system should include a mandatory requirement for certification of fire-stopping under an approved Certification of Construction scheme. This would involve registered specialist contractors and / or consultants taking responsibility for determining and certifying that the work complies with the regulations. The certifier would be required to collate photographic and documentary evidence to demonstrate the use of the correct materials and their effective installation in all specified required locations.
128. The certification and documented evidence confirming the complete and satisfactory installation of fire-stopping should be required from owners / developers as a pre-requisite to the issuing of notices of acceptance of completion certificates.

PROVISION OF AS-BUILT DRAWINGS

129. At present there is no requirement for the relevant person to submit copies of as-built drawings with the completion certificate. As-built drawings should be fully amended as necessary to reflect the completed building. It is recommended that these drawings should be required to be certified by contractors as being in full compliance with the approved warrant drawings or alternatively verifiers should be advised that amended warrant approval is required to changes in design identified on the drawings.

Enforcement

130. The Review Panel was presented with evidence that there appeared to be regular infringements of the statutory procedural requirements in relation to seeking Building Standards approvals. Such failures include the following:

- Not having an approved building warrant before starting on site.
- Not notifying work commencing on site.
- Not requesting necessary amendments to warrant.
- Not requesting a notice of acceptance of a completion certificate.
- Occupying a building without a completion certificate, or a temporary occupation certificate.

131. It is unfortunately evident that it is not uncommon for parts of Industry, including public sector clients, to fail to comply with some or even all of the above statutory procedural requirements. It also appears that in these circumstances there does not appear to be regular effective enforcement of the rules or sanctions for infractions of the rules. If no sufficiently punitive measures are being applied and there are potential operational or financial benefits in ignoring aspects of the system, the current behaviour in this regard of those parts of the industry will continue.

132. The Review Panel agreed that there needs to be more focused enforcement of compliance with the procedural requirements and statutory building standards by Local Authorities. Central guidance on the issue of enforcement should be developed for implementation by Local Authorities to provide more effective and consistent enforcement across the country.

133. The level of financial penalties that can currently be levied is insufficient to incentivise those contractors undertaking major projects, who may not comply fully with the regulations, to desist from doing so. The contractual penalties for late completion together with the cost of any remedial work required to address non-compliance may frequently considerably exceed these penalties. It is recommended that the level of penalties be reviewed so as to act as a true disincentive of failure to comply with both statutory procedures and standards.

134. However, Local Authorities must also demonstrate a much greater preparedness to apply penalties for serious or continuous non-compliance. More regular issuing of stop notices and notices prohibiting occupation are required where infringement of the regulations is perceived as failing to provide the required level of assurance that the design and construction of buildings are safe and compliant with the regulations.
135. Verifiers should also ensure that they retain records of all applications for approved design warrants and in circumstances where there has been no further notification of start on site, or requests for site visits or completion certificates after prescribed times they should contact the agents who submitted them to establish the status of these projects. It is recommended that a standard computerised system be implemented to provide the necessary follow-up to applications.

CONCLUSIONS AND RECOMMENDATIONS

136. The Review Panel have concluded that, whilst the core elements of the current system should be maintained, some reshaping of the system is necessary to ensure that it addresses the identified weaknesses. The focus of this reshaping should be to improve aspects of the current system and its implementation, not to fundamentally change the system.
137. The principal concern of the Review Panel was the need for a rebalancing of the focus of Building Standards resources from checking compliance of design intent towards checking compliance of the actual construction of buildings and in doing so to focus resources on those buildings in which non-compliance with the regulations would present most risk to the population.
138. It was felt that this would require a differentiation by verifiers of their approach to larger, more complex, higher risk buildings, which represented approximately twenty per cent of applications and smaller less complex buildings in terms of the levels of information required from developers and the nature and level of on-site inspections required to be undertaken. The defining of these two main categories should be the starting point for a reshaping of the system.
139. It was also recognised that due to the limitations on the number and level of detailed inspections that can practically be undertaken by Building Standards services, more onus must be placed on owners and developers to provide specific documented evidence to Building Standards services of their buildings having been constructed in compliance with the approved design warrants, particularly in relation to safety-related areas of construction such as fire protection and structural integrity.
140. In light of recent events in Scotland and England it was felt that immediate priority must be given by verifiers to strengthen their inspection regimes so as to address what would appear to be systemic defects across the industry in relation to frequent inadequacies in the construction of masonry walls and the installation of fire-stopping.
141. The Panel expressed concerns as to the current capacity and capability of the staff resource in terms of numbers and qualifications within Local Authorities to provide the required level of service. These concerns included the significant reduction in the number of staff over recent years, the number of staff in Building Standards services nearing retirement age and the difficulty being experienced in recruiting qualified staff to fill posts.
142. This lack of resource has no doubt contributed to recent problems including many reported failures to ensure that developers comply with the full procedural requirements of the legislation in relation to design warrants, amendments to warrants, notifications and completion certificates. The current approach to enforcement of compliance by Local Authorities was considered to a large degree to

be ineffectual, potentially due to a lack of resources to address this issue and requires significant reinforcement.

143. The following is a summary of the recommendations offered for consideration by the Scottish Government:

- Support should be given to the efforts currently being made by LABSS to establish appropriate courses for the training and qualification of professional staff and the establishment of more attractive career pathways in Building Standards to assist in their recruitment.
- A review of current staffing numbers and qualifications in Building Standards services across Scotland should be undertaken to determine the level of additional investment in staff considered necessary to provide the required standard of service including response times.
- Further ways for verifiers to share expertise and staff resources should be examined, particularly in relation to the specialist and safety critical areas. This would include fire and structural engineering but could also extend to areas such as the energy design of complex buildings. Consideration should be given to the development of central hubs of expertise serving the whole system.
- A combination of an insufficient number of site inspections and an insufficient focus of the limited number of inspections on key safety-related areas have helped to contribute to a situation where non-compliance in these areas is frequently failing to be identified, resulting in potentially unsafe building environments. Early proactive action is required by Building Standards services to address this issue.
- In advance of the introduction of potentially more radical changes to the system, Building Standards services should immediately make it a requirement for the submission of digital photographic evidence of fire-stopping installations.
- There should be stronger engagement with the Fire Authority at key stages, particularly at completion before occupation or use. Also there would be benefit in reinstating the need for Building Fire Certificates on higher risk buildings as part of the Fire Authority engagement in the building sign-off processes.
- The roles and responsibilities of verifiers and applicants in relation to site inspection and testing should be reviewed. It must be made clear that it is the legal responsibility of clients for all buildings that will be occupied, used, worked in or visited by members of the public to ensure that these buildings are compliant with the regulations. This responsibility should include a requirement on the client and appointed agents to the client to provide Building Standards services with the necessary evidence to demonstrate compliance.
- There is a substantial opportunity for the greater use of digital technologies to share information between contractors and verifiers. Such data is now routinely

collected by some larger contractors on projects for quality control purposes. Much of this data is relevant to compliance and can be part of the 'Reasonable Inquiry'. The Scottish Government should promote such innovation and work with Industry and verifiers to develop the research, testing and development that is needed to develop platforms, protocols and certification systems to ensure that there is confidence in the data shared by all parties.

- There is a need to formally define what would be categorised for the purpose of the regulations as higher risk more complex buildings (the twenty per cent) to differentiate them from lower value and risk projects (the eighty per cent). The processes and information requirements for these buildings should be revised to reflect the higher levels of risk and potential impact of non-compliance in key areas of their construction.
- It is proposed for the higher risk more complex category of buildings that pre-warrant application discussions become a mandatory part of the requirements of projects. These pre-assessments should be used to develop comprehensive Compliance Plans addressing all proposed design and construction stages. It is suggested that the existing Construction Compliance Notification Plan (CCNP) would be developed and tied in with a requirement for the production of agreed Construction Compliance Evidence Documentation (CCED) from the contractor and a Contractor's Inspection and Test Plan (CITP). It is suggested that the approved warrant would not be issued until the Compliance Plan, CITP and CCED were in place and agreed, and the site start date notified.
- Consideration should be given to the introduction of a requirement for the licensing of contractors to demonstrate their competence to undertake specific categories and sizes of work. This requirement would be in addition to the proposed independent professional certification of the work of contractors.
- Consideration be given to the introduction of a Certification of Compliance scheme which would require such certificates to be signed by an appropriately professionally qualified and registered person who would be independent from the contractor.
- The occupation of buildings should not be permitted under any form of certificate without appropriate assurance that the building is safe for occupation and formal acceptance of this by Building Standards. It is suggested that consideration be given to the introduction of a form of qualified Completion Certificate, instead of the frequently misused Temporary Occupation Certificate, which would identify items of construction that may not yet be fully compliant but are not considered sufficient to prevent the occupation of the building.
- Amendments should be considered to the procedural requirement prohibiting the implementation of changes on site to the design before receipt of an amendment

to warrant. In order to address the practical issues associated with amendments to warrant it is proposed that in relation to the category of larger projects (the twenty per cent) that delays could be avoided by creating a scheme for Certification of Amendments. This would allow a competent registered certifier to provide the necessary approval to changes on site up to a certain pre-determined scale (to be set out in the Compliance Plan). This could be a Certification of Amendment scheme to cover interim and consolidated design amendments prior to submission of the completion certificate.

- The fee structure for staged warrants should be increased to reflect the additional work required by Building Standards services. When a staged warrant application is to be made, Building Standards services should inspect the site to ensure that work is not progressing on those areas still subject to warrant approval.
- It should be a requirement for the relevant person to submit copies of accurate as-built drawings with the completion certificate. These drawings should be fully amended as necessary to reflect the completed building. It is recommended that these drawings should be required to be certified by contractors as being in full compliance with the approved warrant drawings or alternatively verifiers should be advised that amended warrant approval is required to changes in design identified on the drawings.
- The level of legal penalties when non-compliance with statutory procedures and standards occur should be reviewed in order to act as a true disincentive to building owners and developers who fail to take the necessary steps.
- Local Authorities must demonstrate a much greater preparedness to apply penalties for serious or continuous non-compliance. More regular issuing of stop notices and notices prohibiting occupation are required where infringement of the regulations is perceived as failing to provide the required level of assurance that the design and construction of buildings are safe and compliant with the regulations.
- Verifiers should ensure that they retain records of all applications for approved design warrants and in circumstances where there has been no further notification of start on site, or requests for site visits or completion certificates after prescribed times they should contact the agents who submitted them to establish the status of these projects.

Appendix 1: Membership of the Review Panel

Chairman

Prof John Cole

Members

Stewart Macartney, Blyth & Blyth

Gordon Spence, Local Authority Building Standards Scotland (LABSS)

Ron Fraser, Construction Scotland

Kevin Crawford, CIAT Scotland

Neil Parry, Persimmon Homes

Malcolm McLeod, National House Building Council (NHBC)

Ian Honeyman, Scottish Building Federation (SBF)

Donald Canavan, RIAS

Sarah Neary, Government of Ireland

Alan Stark, Scottish Property Federation

Grant Robertson, Scottish Futures Trust (SFT)

Peter Haggerty, RICS Scotland

Scottish Government:

Stephen Garvin, BSD

Jonathan Astwood, BSD

Linda Stewart, BSD

Ken Craig, BSD

Jonathan Moore, Procurement Development and Construction Review Division

Shona Harper, Building Safety and Fire Co-ordination Team

Dr Paul Stollard

Corresponding Members

B Martin, Department for Communities and Local Government (DCLG)

Francois Samuel, Welsh Government

Appendix 2: Formal scope and remit of the Review Panel

Remit

1. To review the building standards system including the legislative requirements in light of the findings of the Report of the Independent Inquiry into the Construction of Edinburgh Schools (February 2017) and the Independent Review of Building Regulations and Fire Safety commissioned by the UK government following the Grenfell Tower fire in London in June 2017.
2. To consider four key themes the building standards system, verification, certification and enforcement and sanctions.
3. To provide an opinion of whether any changes are necessary.
4. To keep this under review as further evidence emerges, to assist meeting the Minister's wishes.

Objective

To recommend what changes might be necessary for the purposes of the Building Standards system as set out by the Building (Scotland) Act 2003:

- (a) securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings
- (b) furthering the conservation of fuel and power, and
- (c) furthering the achievement of sustainable development.



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2018

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-78781-046-4 (web only)

Published by The Scottish Government, June 2018

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS435066 (06/18)

W W W . G O V . S C O T