

# **Building Warrant Fees Consultation**

## **Outcome Report**

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# Building Warrant Fees: Consultation Report

## Introduction

The Building Warrant Fees Consultation aimed to obtain views on proposed increases to the building warrant fees required to deliver change to strengthen the building standards system and also the development of a new building warrant fees model in Scotland.<sup>1</sup> The consultation ran from 21 July 2023 to 24 October 2023 and asked a total of 12 questions, which included identifying any additional impact proposed changes might have. A total of 95 responses were received from a variety of individuals and organisations. An external contractor, The Lines Between, conducted the analysis of the responses.

## Background

The consultation formed part of the work undertaken by the Verification Delivery Model work stream which is one of the seven work streams being directed by the Building Standards Futures Board. The Building Standards Futures Board Programme was set up to provide guidance and direction on the development and implementation of the recommendations made by expert Review Panels in the wake of the Grenfell Tower disaster and construction failings in public buildings in Scotland.

The Review Panel on Compliance and Enforcement in Scotland concluded that the Scottish system is not broken but that evidence clearly shows that there was a need to strengthen the system. The Review Panel 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 it. Both Review Panels identified the potential for a 'national or central hub' that would provide expertise in specialist and safety critical areas of the design of complex buildings.

The consultation sought to obtain views on an increase in building warrant fees which will be required to support verifiers to deliver a strengthened and improved building standards service in Scotland. It also sought views on increased fees specifically for new and enhanced verification requirements for High Risk Buildings, to support the Building Standards Hub, enhanced Scottish Government Building Standards Division (BSD) monitoring and auditing and if the local authority Building Standards enforcement role should be funded by building warrant fees. It also gathered views on whether or not fees should be devolved or set nationally to assist in informing future policy considerations.

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<sup>1</sup> [Building standards - building warrant fees: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/building-standards-building-warrant-fees-consultation)

## Consultation method and information sources

The consultation received a total of 95 responses: 39 from individuals and 56 from organisations. Local authorities made up 28 of the 56 organisation responses. The consultation was launched online on the Scottish Government consultation platform Citizen Space.<sup>2</sup> The consultation paper and all other associated documents and research were published on the Scottish Government website. Respondents also had the opportunity to feedback via email and post.

## Responses and next steps

### Part 1- Building Warrant Fees

There was strong support across all 4 questions asked in this section. Just under two thirds (65%) of all respondents agreed with an increase in fees. Many respondents felt additional fees would be needed to meet resourcing and workload capacity issues, with local authority verifier teams currently understaffed and a larger workforce needed for new and more challenging building standards. Many respondents who agreed thought it would improve the verification, compliance and inspection services provided by local authority building standards teams. Many respondents, several of whom agreed or strongly agreed with the proposal and some who felt neutral, argued that if fees were increased, it would be necessary to ringfence the funding to ensure the additional income generated is directed back to local authority building standards and verifier teams. Several respondents disagreed with the proposal due to their poor perceptions of the current building warrant application and verification process.

The Scottish Government is taking forward action to increase building warrant fees from 01 April 2024 to strengthen the building standards system. While Scottish Government understands feedback on ringfencing funds, local authorities can generally decide on how to use income generated by building warrant and similar fees as part of the Verity House agreement. The Scottish Government will, over the coming year, work closely with Local Authority Building Standards Scotland (LABSS) and stakeholders in the construction sector to review the national verification Performance and Operating Frameworks to support reporting of the reinvestment of fee income back into the service. The Scottish Government will continue to work closely with all stakeholders to bring forward changes from the Futures Board work streams to strengthen the building standards system.

Overall, 70% of respondents agreed with using a proportion of building warrant fees to support a central Building Standards Hub. The most common theme was it would improve nationwide consistency in the verification approach. Several respondents mentioned that the Hub will improve training, access to information and efficiency of the verification process. Where there was disagreement, this was around the budget for the Hub, fees already being too high and that local authorities should control how they use fees. The Scottish Government has decided to use a proportion of the Building Warrant fees to support the Building Standard Hub.

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<sup>2</sup> [Scottish Government consultations - Citizen Space](#)

Discussions will take place with stakeholders, colleagues in Scottish Government and CoSLA on the most appropriate funding transfer mechanism to support the Hub. The mechanism can be reviewed following the initial 3-year model of proposed increases to fees.

There was support for enhanced verification and certification auditing and the monitoring and reporting of fee investment. The Scottish Government has set up a Working Group with Stakeholders to review the Operating and Performance Frameworks which govern the reporting and monitoring of local authority verifier performance. The Scottish Government will also develop a strengthened auditing programme for all local authority verifiers over the coming year.

There was widespread support to review fee reinvestment and progress against suitable criteria before agreeing any further fee increases in years 2 and 3. The Scottish Government will monitor the level of fee reinvestment to strengthen building standards services, in conjunction with the work to review the Operating and Performance Frameworks, and report this back to Scottish Ministers before any decision is made to increase fees further beyond year 1.

#### Part 2 – High Risk Buildings (HRB)

Four fifths of respondents (81%) supported the introduction of an enhanced fee for High Risk Building warrant applications. Common themes included the more complex nature of a HRB warrants and the additional inspections and service that was required. Respondents felt the introduction of the compliance plan process for HRBs would ensure better oversight and enhance the verification system for High Risk Buildings. The Scottish Government will proceed with the intention of introducing enhanced fees for HRB warrant applications in year 3 of the model. This will be subject to further discussion and consultation with stakeholders through the Compliance Plan Approach work stream and where concerns and disagreement for the proposal have been raised will be fed directly back into the work stream.

#### Part 3 – Building Standards Enforcement

The overall response to the questions in this section were mixed with 56% agreeing to question 3.1 and 31% to question 3.2. The most prevalent theme was that there must be a proportionate and adequately funded enforcement process, and that a portion of building warrant fees would be a reliable and appropriate funding source. Several respondents, including individuals and organisations, argued that using a portion of fees for building warrant enforcement would be unfair to individuals or developers who comply with the building warrant process. The most prevalent theme in responses was that local authorities' wider building standards' statutory role, including dangerous and defective buildings, is separate from the building warrant application and verification process and should be funded separately. The Scottish Government is not funding the statutory enforcement role of local authority verifiers in year one but will continue discussions with CoSLA, LABSS and other stakeholders throughout the 3-year model to understand these issues better.

#### Part 4 – Devolved Building Warrant Fees

There was widespread consensus that building warrant fees should be set at a national level; 88% felt this should be the case, with 8% favouring the local level. Support for setting fees at a national level was clear across all types of respondents, with all organisations in favour except for a small number of contractors/developers. The Scottish Government has made a commitment with CoSLA and local authorities through the Verity House agreement, to look at devolving general local authority service fees where possible and appropriate. The Scottish Government will continue its discussions with CoSLA officials and provide the findings of this consultation to CoSLA.

#### Part 5 – Impact Assessment

Partial impact assessments were carried out in the development of these policies and questions were included in this consultation to identify any additional impacts. The Scottish Government will now undertake full impact assessments as part of the work to increase building warrant fees. All impacts identified here for the wider proposals will be used to influence any further proposed changes to the building standards system being brought forward through the Futures Board Programme.



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