

# **Building Warrant Fees: Consultation**

**July 2023**

# Building Warrant Fees: Consultation

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## **Building Warrant Fees: Consultation**

### **Title: Building Warrant Fees: Consultation**

#### **Introduction**

This consultation seeks to obtain the views on proposed increases to the building warrant fees required to deliver change to strengthen the building standards system and the development of a new building warrant fees model in Scotland.

This consultation forms 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 consultation will gather views and opinions from a range of stakeholders, construction sector organisations and businesses, and the general public on increases to the building warrant fees in Scotland. The increase in fees will be used to facilitate the strengthening and improvement of service delivery within the building standards system in Scotland brought through by the changes developed and shaped by the Futures Board's 7 work streams.

The consultation covers five main areas, as follows:

- Overview of building warrant fees
- Building warrants fees for High Risk Buildings (HRBs)
- Local authority building standards enforcement
- Devolved building warrant fees
- Impact assessments

The proposed changes outlined in the consultation aim to:

- Increase the building warrant fee income for building standards verifiers to sustain, strengthen and improve the system in Scotland. This will include raising additional income to support the proposed changes to the building standards system, brought through the work of the Futures Board work streams. Changes will put an additional resource requirement on verifiers, certifiers and the Scottish Government (Building Standards Division).
- Put in place an annual uplift across all fees, initially for a 3 year period.
- Introduce a building warrant fees model that can be used flexibly in the future.

#### **Why We Are Consulting**

Following the tragic events at Grenfell Tower, London in June 2017 a Ministerial Working Group (MWG) was set up to oversee a review of building and fire safety through the creation of two expert Review Panels. One panel considered Fire Safety and the other focussed on Compliance and Enforcement. Technical requirements and processes to meet building regulations are also becoming increasingly complex reflecting the evolving technological solutions. For example, Passivhaus Equivalent Standards will be introduced next year and the verification of their design and construction will require additional resources.

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.

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The Building Standards Futures Board was set up at the beginning of 2019 to provide guidance and direction on the development and implementation of the recommendations made by the Review Panels and seven work streams were established to undertake this work, as follows:

- Workforce Strategy
- Compliance Plan Approach
- Certification Strategy
- Technical Strategy
- Digital Transformation
- Verification Standards
- Verification Delivery Model

A number of changes to the building standards system in Scotland are being developed and shaped through the work of the Building Standards Futures Board work streams. The Compliance Plan Approach is in the process of developing a strengthened compliance approach for all building warrant applications in Scotland. The introduction of the new Compliance Plan Manager role, pre application assessments and a Building Warrant Compliance Plan will be required on all High Risk Buildings (HRBs) in the first instance and proportionate enhanced compliance processes for all other building warrant projects.

The Verification Delivery Model work stream will introduce a Building Standards Hub to support all 32 local authority verifiers and the wider construction sector. A pilot hub has been set up for a 2 year period to develop and test its role. The pilot is being hosted by Fife Council, in collaboration with Scottish Government and Local Authority Building Standards Scotland (LABSS).

The Digital Transformation work stream is supporting the Scottish Government Digital Planning Programme including the re-provision of the online applications service, eDevelopment, which includes the eBuilding Standards Portal, with a data driven and expanded service. The work stream is also investigating the digital transformation of the building standards system in Scotland with development programmes on digital compliance methods and the future use of BIM and Automated Rule Checking. Working with local authority verifiers and industry, the workstream aims to deliver a consensual and effective transformation.

This consultation seeks 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 seeks 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.

We are also seeking views on whether or not fees should be devolved or set nationally to gather a better understanding to inform future policy considerations.

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### **How We Would Like You to Help**

This consultation is comprised of 12 questions related to:

- Part 1: Building Warrant Fees
- Part 2: High Risk Buildings
- Part 3: Building Standards Enforcement
- Part 4: Devolved Fees
- Part 5: Impact Assessments

Responses to the consultation will be used to inform the final policy and impact assessments that will be prepared to support any legislative changes.

Information on how to respond to the consultation is on page 23.

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## **Part 1: Building Warrant Fees**

### **Overview of the Existing Building Standards Fees Model**

The building standards system in Scotland operates under the Building (Scotland) Act 2003, introduced in 2005. It is a pre-emptive system meaning that before any work that requires a building warrant can start, the building warrant must be submitted to the relevant building standards verifier for assessment and approval against the Mandatory Functional Standards. Verifiers are appointed by Scottish Ministers to administer the building standards system in Scotland. The 32 local authorities are currently appointed as verifiers to deliver the building standards service in their own geographical areas. Their role is to protect the public interest by providing an independent check of applications for building warrants. This includes checking the design phase before granting the warrant and checking during the construction phase before accepting a completion certificate prior to new buildings being occupied.

The Act gives further powers to Scottish Ministers to create the regulations and procedures contained within the building standards service. This includes the building warrant fee regulations. The current verification service fee structure was initially established in The Building (Fees) (Scotland) Regulations 2004. Building warrant fees are set on a sliding scale and are based on the 'value of work' of the project being undertaken.

Building warrant fees are used by verifiers to deliver the building standards verification (building warrant) service. Funding is also provided via Grant Aided Expenditure calculations (GAE) to support the building standards statutory enforcement role. The verification service is intended to be self-financing and as such it is expected that fee income should cover the cost of providing the verification service. It is however, at the discretion of local authorities how the fee income is used to fund the verification process, to meet the requirements of Scottish Government's Building Standards Performance and Operating Frameworks for Verifiers.

Key Performance Outcome 5 (KPO5) within the Performance Framework requires local authorities to budget for appropriate funding to cover verification staff costs, plus an additional 30% for non-staff verification costs. As a condition of appointment verifiers agree to abide by both the Building Standards Performance and Operating Frameworks for Verifiers.

### **The Current Building Warrant Fee Scale**

In July 2017 there was a change to the building standards fee levels to increase the income of the system to achieve full cost recovery for verification. Before that, the fees had not been changed since 2005. The current minimum building warrant application fee for work valued up to £5,000 is £150 and fees increase in stepped increments based on the value of work. Stepped increments are capped at £253 for every additional £100,000, or part thereof, over £1 million. Discounts to building warrant fees are available under certain circumstances for example, fees are discounted where certificates from approved certifiers of design or construction are submitted with a warrant application. Certification of design or construction can be used as a means of demonstrating compliance with building standards regulations. A detailed breakdown of how fees are currently calculated can be found at the Building (Miscellaneous Amendments) (Scotland) Regulations 2017.

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### Changes to the Building Standards System - Futures Board Work Streams

A number of changes to the building standards system are currently being developed through the building standards Futures Board work streams. It is intended that these changes will strengthen and sustain the building standards system and will be introduced over the next few years. It is crucial that we provide sufficient funding to local authority verifiers to prepare accordingly as the proposed changes will place an additional resource requirement on verifier staff, in relation to cost and time. Work is being progressed through four main work streams.

The **Compliance Plan Approach** work stream is focussing on the development of a new, extended and strengthened 'Compliance Plan' approach, and the creation of a Compliance Plan Manager (CPM) oversight role acting on behalf of the 'Relevant Person' (normally the building owner or developer) to deliver buildings in accordance with the approved plans, details and the building regulations. The aim being to provide the necessary support to the owner/developer to meet their obligation to control the work on site, build in accordance with the approved plans and details and be able to evidence and legally certify this by signing and making the Completion Certificate Submission. The CPM also has a key role to ensure that verifiers are notified at all the key inspection stages identified in the Building Warrant Compliance Plan and are provided with all the agreed compliance evidence.

Under the current system, along with an approved building warrant, which includes the stamped and approved drawings, the verifier creates and issues a Construction Compliance and Notification Plan (CCNP) in line with a nationally adopted risk assessment methodology contained in the Verification During Construction Handbooks, produced by Local Authority Building Standards Scotland (LABSS) and the Building Standards Division. At present applicants/contractors do not always inform verifiers when construction projects reach the inspection stages identified within the CCNP. This means verifiers are not always provided with the chance to inspect works at the critical stages. The changes will make notification a mandatory requirement and it will be the CPM, designer, and contractor's responsibility to develop and submit the new Compliance Plan instead of the verifier. This change will make the process of compliance, and appropriate compliance inspection stages, more visible and better understood by those persons, the Relevant Person (normally the building owner or developer), responsible for ensuring compliance under the building standards system.

The introduction of the new compliance processes will increase notifications and the subsequent requirement of the verifier to carry out the planned inspections and checks at the relevant notification stages. A survey of local authority verifiers found that this could potentially add up to 50% of additional work. An average of 30% was assumed to inform policy and test the new fee model but this will be subject to further research and refinement over the planned 3 year staged fee increases with the intention that the necessary funding for the strengthened system is identified and fully delivered by year 3.

The **Verification Delivery Model** Working Group (WG), following consideration of earlier Review Panel recommendations, related research and delivery model options, considered that the appropriate strengthening could be the provision of a central building standards support hub combined with a degree of strengthened complimentary regional working by local authority building standards teams. The Hub should not replicate activities carried out by Scottish Government or verifiers but should provide additional resilience and consistency within the

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building standards system. The WG also noted and appreciated that LABSS was already active in a central building standards system support role. They agreed that the Options Appraisal from LABSS on a proposed central Building Standards Hub, including proposals for enhanced regional partnerships as a solution, should be investigated.

A central Building Standards Hub (BSH) with regional strengthening is currently being tested through a 2-year pilot phase. The Building Standards Hub Pilot is currently staffed by two full time Hub Directors, a Learning and Development Manager with administration support and is working in partnership with BSD and LABSS to investigate and scope the services a central BSH could provide. The pilot is hosted by Fife Council and there is agreement that any permanent hub should be hosted within a local authority. The Hub will be established to support all 32 local authority verifiers and the wider construction sector.

The Hub will bring in existing LABSS building standards system services that support delivery of the verification service such as the Scottish Type Approval Scheme (STAS, Technical & Procedural Information Papers and the Customer Dispute Resolution Process), with a focus on delivering these with enhanced administration and coordination. LABSS provides these services on a voluntary basis and research has identified that this is not a sustainable option in the longer term. As well as developing these services the Hub is looking to improve and support other specialisms and services currently required by local authority building standards teams including the facilitation of workload sharing. This will specifically include a role in supporting the verification of fire safety engineering solutions for complex buildings and potential wider hub roles and activities.

In terms of financing the Hub, the building standards system is designed to be self-financing and as such a Building Standards Hub that supports the delivery of the system should be funded by building warrant fees.

The structure and staffing of the permanent Building Standards Hub will be implemented as part of a phased approach and will include technical and business support as well as learning and development with scope for future development. The expected initial costs of the Building Standards Hub will be in the region of £1 million per annum.

The **Digital Transformation** work stream is investigating options for the digital transformation of the building standards system in Scotland, including working with other work streams to support the overall Futures Board programme. The work stream is also part of the six year Scottish Government Digital Planning Programme.

The work stream will explore how greater and effective use of digital technology can support and enhance the delivery of the Scottish building standards system. The digitalisation of building standards will lead to an enhanced and efficient building standards system.

Engagement with stakeholders is continuing and support is being provided to local authority building standards. For example, through joint development with LABSS, national guidance on the use of Remote Verification Inspection for building standards compliance is being produced.



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The **Workforce Strategy** work stream has entered the final phase of its three-year Strategy (October 2020 to October 2023). The Strategy is based around four key themes - sustainable workforce, skilled workforce, professional framework, and a profession for everyone.

A Professional Competency Framework for Verifiers and a Competency Assessment System were implemented in June 2021 to support the development of competence across all job roles in the building standards profession. The introduction of a Modern Apprentice (MA) pathway for Building Standards saw the addition of 14 modern apprentices into the workforce from August 2022. Work is underway to identify MA positions and students for cohort 2 to help balance the age profile of the profession. These positions are however dependant on funding being made available within local authorities. Raising the profile of the building standards profession is the key aim of the Ambassador Network established under the work stream where building standards officers participate in outreach activities with schools, colleges, universities and with other construction professionals to ensure building standards is perceived as a rewarding career choice. An online training platform is being developed to provide access to short self-led training modules to upskill staff on topics covering technical matters and procedural aspects of the building standards system. The modules will address skills gaps identified by the Competency Assessment System.

### Research Findings - Building Warrant Fees

BSD commissioned two linked research projects on the building standards fees system: Fees Research Part 1 and Part 2. Fees Research Part 1 reviewed the building standards income and level of reinvestment in service delivery, and Fees Research Part 2 looked to provide a building warrant fees model which is flexible to allow changes to building standards fees over a 3 year period. Links to the reports can be found in Annex A.

**Fees Part 1** analysed the income and expenditure of each local authority verifier and level of reinvestment in service delivery. It identified the effect on certification and verifiers following the increase in fees in 2017 and provided initial modelling for a new building standards fee system. The research also undertook an online survey with all 32 local authority verifiers and in-depth case studies with specific authorities and sought to consider:

- The extent to which fee income covers the cost of delivering the verification service.
- The role of grant aided expenditure (GAE) in supporting statutory functions.
- The level of re-investment in the service following the 2017 fee increase.
- Future changes to the verification delivery model and effects on workload.
- Additional data to assist with modelling fee income.

Asked if current fees are sufficient to support the delivery of verification services the majority of local authority respondents (58%) felt current fees are not sufficient.

Local authority verifiers were also asked what pressures (and current fee level) were impacting on the delivery of verification services:

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- Work of the Futures Board e.g., increased compliance workload through more CCNP notices. Fees are insufficient to cover inspections in line with Construction Compliance Notification Plans (CCNP). More time is required for case officer training and development, detailed plan assessments and additional compliance checks.
- Operating Framework and Performance Framework - fees are not sufficient to enable them to meet the requirements of the Frameworks.
- Development of back-office systems or information management over the longer term is being affected.
- Domestic work - customers expect additional advice and service from the local authority that is not built into fees.

**Fees Part 2** provided a building standards fee model which is flexible to allow changes to the building standards fees and valid for 3 years. The contractor was asked to consider the future changes to the building standards system such as the Building Standards Hub and Compliance Plan Approach, taking into account inflation, and provide a flexible three year fees model.

Changes to fees will be legislated annually over the 3 year design life of the fees model, subject to evidence of satisfactory implementation. Changes beyond the initial increase in year 1 and for inflation proofing will be informed by ongoing research, enhanced reporting and additional verification and certification auditing. These activities will support the intention to refine and deliver the resources the strengthened building standards system requires by year 3.

The research reviewed a number of aspects of the current fee system, including reviewing the Key Performance Outcome 5 finance requirements and the appropriateness of the current fee model for the proposed verification of High Risk Buildings. It also reviewed the resourcing of official enforcement undertaken by verifiers and the additional work and engagement required by verifiers in the lead up to or instead of any official enforcement action being taken. As part of a wider Scottish Government's work on a New Deal with Local Government, BSD asked the contractor to consider the advantages and disadvantages of a devolved fee setting for building warrant fees.

Several disadvantages of the current fee structure were identified including:

- No inflation increases for fixed fees.
- Limited inflation proofing provided by the value of work based scale of fees is provided by construction costs inflation.
- Limitations on incorporating new activities into the structure.
- Establishing the cost of delivering the verification service.

The current model established a set of fee rates in 2017. The fee rates, which are based on value of work, contain an element of inflation proofing but the fixed fee elements have lost value in real terms since 2017.

Research, surveys and case studies with local authority verifiers have shown that not all the income generated from building warrant customer fees is allocated to local authority verifiers to carry out their verification role. Local authorities decide how income is allocated and spent.

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The proposal to increase fees will also introduce requirements for enhanced monitoring, auditing and reporting by the BSD to provide assurance to Scottish Ministers that the strengthened system is being implemented and delivered as planned by local authority verifiers. The resources needed to support the implementation phase and for further development of the system will also be considered.

The fees research provides a breakdown of the likely increased future cost of the building standards verification service. It also identifies potential increases to building warrant fees to fund the proposed changes.

This public consultation seeks comments on the proposals to increase fees across all 'value of work' bands, add an annual inflation uplift and introduce a new fee calculation model that allows for future adjustments within the 3 year lifespan of the model that may be made on the basis of further research, evidence and reporting.

### **Question 1.1 - Do you agree building warrant fees should be increased to strengthen the building standards system in Scotland?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please select only one answer and provide your reasoning in the box below.

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**Question 1.2 - Do you agree that a proportion of the building warrant fee should be used to support a central Building Standards Hub?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please select only one answer and provide your reasoning in the box below.

**Question 1.3 - Do you support the introduction of enhanced verification and certification auditing, monitoring and reporting of fee investment to support the implementation of the strengthened building standards system over the next 3 years?**

- Yes
- Not sure
- No

Please select only one answer and provide your reasoning in the box below.

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**Question 1.4 - Do you agree that, before any planned increases or adjustments to building warrant fees in the second and third year, progress should be reviewed against suitable criteria towards the planned outcomes?**

- Yes
- Not sure
- No

Please select only one answer and provide your reasoning in the box below.

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### Part 2: High Risk Buildings (HRBs)

#### Overview

The Compliance Plan Approach work stream is establishing a new Compliance Process for High Risk Buildings through the introduction of a Building Warrant Compliance Plan, a Compliance Plan Manager (CPM) role and a pre-application assessment process. Going forward the Compliance Plan process will also be tailored to suit all other building warrant applications.

High Risk Buildings (HRB) are defined as:

- Domestic Building or Residential Building with any storey at a height of more than 11 metres above the ground.
- Educational establishments (Schools, colleges and universities), community/sport centres and non-domestic buildings under local authority control/where they have an interest in a building.
- Hospitals.
- Residential Care buildings.

The CPM role is currently being tested and it is envisaged that this role will be introduced through legislation when the work of the Compliance Plan Approach work stream nears completion in 2025/26

The research on building warrant fees concluded that:

“the current fee model may not serve the requirements of the building standards verification service in the future. The model is unable to add charges for specific services and the introduction of compliance plans for HRBs cannot be targeted at the projects which incur the additional costs. It is also anticipated that, over time, strengthened compliance procedures for HRBs will filter down to non-HRB projects which will have an impact on the work of verifiers across the system. Revising the current structure to include a separate fee structure for HRBs would allow the increase in fees to cover the additional costs of the compliance plan to be restricted to the projects where the requirements for verification work will be more onerous.”

It will place an additional cost on verifiers to cover:

- Pre-applications meetings with the CPM, applicant and their design team.
- Routine and regular engagement with the CPM to support the delivery of a fully achieved Building Warrant Compliance Plan.
- Pro-active monitoring of such projects and if necessary, enforcement to check and control that:
  - work has not started before approval of the warrant (at each warrant stage); and
  - the building is not occupied or in use without permission.
- Additional ad-hoc inspections and the planned site visits/checks and verification work in line with the compliance plan.

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- Completion Certificate Submissions are submitted legally and competently.

This proposal introduces a separate, enhanced fee for building warrant applications for High Risk Buildings to cover additional costs experienced by verifiers on the introduction of the HRB compliance plan process including the requirement to pro-actively monitor these applications.

### Question 2.1 - Do you support the introduction of an enhanced fee for High Risk Building warrant applications?

- Strongly support
- Support
- Neither
- Do not support
- Strongly do not support

Please select only one answer and provide your reasoning in the box below.

## Building Warrant Fees: Consultation

### Part 3: Building Standards Enforcement

#### Overview

Building standards staff are also involved in statutory aspects of building standards delivery (e.g., enforcement activity) and other wider local authority responsibilities (e.g., licensing, safety at sports grounds).

The statutory obligations relating to building standards for which fees are not charged include enforcement and the maintenance of the building standards register. The majority of local authority verifier teams are expected to fund both the verification and local authority statutory enforcement roles through building warrant fee income.

The Enforcement and Compliance Review Panel recommended that local authorities must demonstrate a much greater preparedness to apply penalties for serious or continuous non-compliance (within the building warrant process). As part of the proposal, to provide enhanced and consistent enforcement activity within the building standards system, we are seeking views on formally funding the building standards statutory enforcement role through the building warrant fee. This will inform policy development and decisions on resources for building standards enforcement.

**Question 3.1 - Should a portion of building warrant fees be used to fund the local authority compliance enforcement role but only as it relates to the building warrant process?**

- Yes
- No
- Unsure

Please select only one answer and provide your reasoning in the box below.



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**Question 3.2 - Should a portion of building warrant fees be used to fund the local authority building standards wider statutory role covering both building warrant compliance enforcement and dangerous and defective buildings?**

- Yes
- No
- Unsure

Please select only one answer and provide your reasoning in the box below.

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### Part 4: Devolved Building Warrant Fees

#### Overview

As part of a wider Scottish Government initiative to develop a New Deal with Local Government, BSD asked the research contractor to consider the advantages and disadvantages of setting building standards fees at local authority level.

Currently, the structure of fees for building warrants is set centrally by the Scottish Government and provides for consistent and predictable costs nationally. The payable fee to the local authority verifier depends on the value of the building warrant work and other factors such as any certification discounts and surcharges. The research reviewed the fee system in England and Wales, that is set by each individual local authority or approved inspector and explored the advantages and disadvantages of three main options:

- Option 1: full devolution of fees
- Option 2: partial devolution of fees with national guidance
- Option 3: partial devolution of fees with deviation from a national fee structure

The report found that:

- There are no specific impediments or factors that would make the introduction of a devolved system inherently difficult. A devolved system has operated in England and Wales for many years and the challenges there relate not to the devolved nature of the system per se but the competition element. It has been beyond the scope of this research to consider the introduction of competition into building warrant in Scotland.
- Scottish Government would have to decide how far it needed to set parameters around the scope for authorities to set fees as they wished (within an overall cost recovery framework).
- There would need to be some form of policing or oversight of fee setting by Scottish Government to ensure that the overall level of fees raised were reasonable compared to the cost of provision and guidance and/or legislation in this regard.
- Having devolved fees might make it more complicated to fund central services and features such as the Hub (although in principle this could be based on warrants issued or fee income by authority).
- A devolved system (in full or part) would introduce variations in fee levels and approaches across Scotland which might cause some mild complication for those users who operate across several authorities. However, this does not feature as a significant concern in England and Wales.

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**Question 4.1 – Should building warrant fees be set at national or local level?**

- National level
- Local level
- Unsure

Please select only one answer and provide your reasoning in the box below.

## Building Warrant Fees: Consultation

### Part 5: Impact Assessments

#### Equality Impact Assessment

The Scottish Government does not think that the proposals in the consultation will have negative impacts for people with protected characteristics. However, we welcome your comments on the impact of the proposals on particular groups of people in respect of their age, disability, gender reassignment, race, religion, sex or sexual orientation, being pregnant or on maternity leave and children's rights and wellbeing. Your views on the impact of these proposals will be used to inform the final Equality Impact Assessment that will be prepared in support of any changes required to the building standards fee legislation.

**Question 5.1 - Are there any proposals in this consultation which you consider impact or have implications on people with protected characteristics? Choose from the following options:**

- Yes
- No
- Unsure

Please select only one answer and provide any comments in the box below. If selecting yes, please specify which of the proposals you refer to and why you believe specific groups will be impacted.

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### Business and Regulatory Impact Assessment (BRIA)

To help us determine the impact of the policies proposed in the consultation, we are interested to find out if these proposals would lead to increased costs and/or impact on resources for you or your business (if applicable).

Any comments received will be used to inform the final BRIA which would be prepared in support of new building standards fee legislation.

**Question 5.2 - Do you think that any of the proposals in this consultation have any financial, regulatory or resource implications for you and/or your business (if applicable)? Choose from the following options:**

- Yes
- No
- Unsure

Please select only one answer and provide any comments in the boxes below. If selecting yes, please specify which of the proposals you refer to and why you believe financial, regulatory or resource implications will be impacted.

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### Island Communities Impact Assessment

To help us determine the impact of the policies proposed in the consultation, we are interested to find out if these proposals would lead to an increased impact on islands communities.

Any comments received will be used to inform the final Island Communities Impact Assessment which would be prepared in support of new building standards fee legislation.

**Question 5.3 - Do you think that any of the proposals in this consultation have any impact or implications on island communities? Choose from the following options:**

- Yes
- No
- Unsure

Please select only one answer and provide any comments in the boxes below. If selecting yes, please specify which of the proposals you refer to and why.

## Building Warrant Fees: Consultation

### Fairer Scotland Duty Assessment

To help us determine the impact of the policies proposed in the consultation, we are interested to find out what more can be done to reduce the 'inequalities of outcome' caused by 'socio-economic disadvantage' and if these proposals would lead to an increased impact on inequalities of outcome.

A draft assessment has been prepared however any comments received will be used to inform the final Fairer Scotland Duty Assessment which would be prepared in support of new building standards fee legislation.

**Question 5.4 - Do you think that any of the proposals in this consultation have any impact on the inequalities of outcome caused by socio-economic disadvantage? Choose from the following options:**

- Yes
- No
- Unsure

Please select only one answer and provide any comments in the boxes below. If selecting yes, please specify which of the proposals you refer to and why.

## Building Warrant Fees: Consultation

### Responding to this Consultation

We are inviting responses to this consultation by 24<sup>th</sup> October 2023.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online [here](#). You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date 24<sup>th</sup> October 2023.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to [buildingstandards@gov.scot](mailto:buildingstandards@gov.scot) or by post:

Building Standards Division  
Scottish Government  
Denholm House  
Almondvale Business Park  
Livingston  
EH54 6DE

### Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

### Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.



## **Building Warrant Fees: Consultation**

### **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at [buildingstandards@gov.scot](mailto:buildingstandards@gov.scot)

### **Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

## Building Warrant Fees: Consultation

### Respondent Information Form

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Group/Organisation type (please tick one)

Local Authority		Commercial Organisation	
Professional Body		Voluntary Organisation	
Contractor/Developer		Housing Provider / RSL	
Designer/Consultant		NDPB/Agency	
Academic Body		Advisory Body/Committee	
Industry Association/ Manufacturer		Other (Please Specify)	

Full name or organisation's name

Phone number

Address

Postcode

Email

## Building Warrant Fees: Consultation

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No

## **Building Warrant Fees: Consultation**

### **Annex A**

#### **Supporting Documents and Websites**

##### **Research**

- [Fees Part 1 – “Review of Building Standards fee Income and Level of Reinvestment in Service Delivery”](#)
- [Fees Part 2 – “To Provide a Future Building Warrant Fee Model”](#).

##### **Impact Assessments**

- [Business and Regulatory Impact Assessment \(BRIA\)](#)
- [Draft Fairer Scotland Duty Assessment](#)
- [Equality Impact Assessment](#)
- [Child Rights and Welfare Impact Assessment](#)

##### **Websites**

- [Building Standards Futures Board](#)
- [SG website – Building Standards Division](#)
- [Ministerial Working Group on Building and Fire Safety](#)



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